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PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 233

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General Services Administration

# Federal Property Management Regulations

## Addition of Parts

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

## Chapter 101—Federal Property Management Regulations

### ADDITION OF PARTS

Chapter 101 of Title 41, Code of Federal Regulations is amended by the addition of the following parts:

Part 101–6—Miscellaneous Regulations
Part 101–18—Acquisition
Part 101–19—Management of Buildings and Grounds
Part 101–20—Assignment and Utilization of Space
Part 101–27—Inventory Management
Part 101–28—Storage and Distribution
Part 101–29—Federal Specifications and Standards
Part 101–30—Federal Catalog System
Part 101–40—Transportation and Traffic Management
Part 101–43—Utilization of Personal Property
Part 101–44—Donation of Personal Property
Part 101–45—Sale, Abandonment, or destruction of Personal Property

Part 101–25 of Chapter 101 is also amended by the addition of two sections (§§ 101–25.102 and 101–25.103) and the following subparts:

Subpart 101–25.2—Interagency Purchase Assignments
Subpart 101–25.3—Use Standards
Subpart 101–25.4—Replacement Standards
Subpart 101–25.48—Reports
Subpart 101–25.49—Illustration of Forms

The following material represents a substantial portion of the newly established Federal Property Management Regulations (29 F.R. 13255, Sept. 24, 1964; 29 F.R. 14724, Oct. 29, 1964; 29 F.R. 15593, Nov. 20, 1964). It is primarily a conversion of existing requirements concerning the subjects captioned in the above-listed Parts and Subparts. Subpart 101–44.3, Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes, is a complete revision. To Part 101–40, Transportation and Traffic Management, has been added material on transportation surveys, seminars and training courses, small business assistance, and utilization of special contracts.

SUBCHAPTER A—GENERAL

## PART 101–6—MISCELLANEOUS REGULATIONS

Sec.
101–6.000 Scope of part.

Subpart 101–6.1—Commuted Rate Schedule for Tranportation of Household Goods

101–6.100 Scope of subpart.
101–6.101 Authority.
101–6.102 Applicability.

AUTHORITY: The provisions of this Part 101–6 issued under sec. 1(b), 60 Stat. 807; 5 U.S.C. 73b–1(b); and E.O. No. 11012 of March 27, 1962 (27 F.R. 2983; 3 CFR).

### § 101–6.000 Scope of part.

This part sets forth miscellaneous regulations regarding Federal Property Mangement Regulations matters which do not come within the scope of any other subchapter of Chapter 101.

## Subpart 101–6.1—Commuted Rate Schedule for Transportation of Household Goods

### § 101–6.100 Scope of subpart.

This subpart sets forth regulations covering the issuance and use of a commuted rate schedule containing rates to be used in reimbursing civilian employees of the United States Government for transportation, temporary storage, and related expenses incurred in moving their household goods and personal effects on transfer from one official station to another, or on initial appointment to certain positions, for permanent duty within the continental United States, excluding Alaska.

### § 101–6.101 Authority.

These regulations stem from section 1(b) of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–1(b)) and Executive Order No. 11012 of March 27, 1962 (27 F.R. 2983; 3 CFR), wherein the President delegated to the Administrator of General Services authority to prescribe such commuted rates.

### § 101–6.102 Applicability.

The commuted rates contained in GSA Circular No. 263, Commuted Rate Schedule for Transportation of Household Goods, Revision No. 5, dated September 8, 1964, and Supplement No. 1, dated September 28, 1964, are prescribed by this Subpart 101–6.1 for use where reimbursement is made to civilian employees of the United States Government on the commuted rate basis, in lieu of the payment of actual transportation, temporary storage, and related expenses incurred in the movement of their household goods and personal effects. These rates are applicable only when the transportation and related services involved have been authorized or approved by the department or agency concerned and only in accordance with regulations prescribed in Bureau of the Budget Circular No. A–56 covering eligibility for reimbursement, maximum weight allowed and other requirements.

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

## PART 101–18—ACQUISITION OF REAL PROPERTY

Sec.
101–18.000 Scope of part.

Subpart 101–18.1—Acquisition by Lease

101–18.100 Scope of subpart.
101–18.101 Authorities of subpart.
101–18.102 Basic policy.
101–18.103 Acquisition by GSA.
101–18.104 Acquisition by other agencies.
101–18.105 Agency cooperation.
101–18.106 Delegation of leasing authority.
101–18.106–1 List of special purpose space.
101–18.107 Limitations on the use of delegated authority.

AUTHORITY: The provisions of this Part 101–18 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–18.000 Scope of part.

This part prescribes policies and procedures governing acquisition of interests in real property.

## Subpart 101–18.1—Acquisition by Lease

### § 101–18.100 Scope of subpart.

This subpart prescribes the policies and methods governing the acquisition by lease of interests in real property in the United States, the Commonwealth of Puerto Rico, and the possessions of the United States.

### § 101–18.101 Authorities of subpart.

This Subpart 101–18.1 implements section 210(h)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)); the Act of August 27, 1935 (40 U.S.C. 304c); Reorganization Plan No. 18 of 1950; and E.O. No. 11035 of July 9, 1962 (3 CFR; 40 U.S.C. 490 note).

### § 101–18.102 Basic policy.

The basic policy in the acquisition of interests in real property by lease is to:

(a) Acquire space in privately owned buildings only when space needs cannot be otherwise accommodated in satisfactory, existing Government-owned or -leased space and when the economical construction or alteration of a public building, or the purchase of a privately owned building, is not warranted because the total Federal agency requirements in a community are insufficient in scope or duration.

(b) Enter into leases on terms and conditions most favorable to the Government, with due consideration given to the maintenance and operational efficiency of the offered space as well as the rental rates, and only at rental charges which are consistent with prevailing scales in the community for comparable facilities.

### § 101–18.103 Acquisition by GSA.

(a) GSA will perform all leasing functions of building space, and land incidental thereto, for Federal agencies except as provided in this Subpart 101–18.1.

(b) Agencies authorized to acquire space by lease may request GSA to perform such leasing functions in specific instances.

### § 101–18.104 Acquisition by other agencies.

(a) The Departments of Agriculture, Commerce, and Defense may lease their own building space, and land incidental to its use, and provide for its operation, maintenance, and custody when the space is situated outside an urban center. Urban centers are:

Aberdeen, S. Dak.:
  Brawn County.
Abilene, Tex.:
  Jones County.
  Taylor County.
Akron, Ohio:
  Portage County.
  Summit County.
Alaska:
  The entire State.
Albany, Ga.:
  Dougherty County.
Albany, Ill.
  Whiteside County.
Albany, Oreg.
  Lynn County.
Albany-Schenectady-Troy, N.Y.:
  Albany County.
  Rensselaer County.
  Saratoga County.
  Schenectady County.
Albuquerque, N. Mex.:
  Bernalillo County.
Alexandria, La.
  Rapides County.
Allentown-Bethlehem-Easton, Pa.-N.J.
  Lehigh County, Pa.
  Northampton County, Pa.
  Warren County, N.J.
Altoona, Pa.:
  Blair County.
Amarillo, Tex.:
  Potter County.
  Randall County.
Anaheim-Santa Ana-Garden Grove, Calif.:
  Orange County.
Ann Arbor, Mich.:
  Washtenaw County.
Asheville, N.C.:
  Buncombe County.
Ashland-Catlettsburg, Ky.:
  Boyd County.
Athens, Ga.:
  Clarke County.
Atlanta, Ga.:
  Clayton County.
  Cobb County.
  De Kalb County.
  Fulton County.
  Gwinnett County.
Atlantic City, N.J.:
  Atlantic County.
Augusta, Ga.-S.C.:
  Richmond County, Ga.
  Aiken County, S.C.
Augusta, Maine:
  Kennebec County.
Austin, Tex.:
  Travis County.
Bakersfield, Calif.:
  Kern County.
Baltimore, Md.:
  Baltimore City.
  Anne Arundel County.
  Baltimore County.
  Carroll County.
  Howard County.
Baton Rouge, La.:
  East Baton Rouge Parish.
Battle Creek, Mich.:
  Calhoun County.
Bay City, Mich.:
  Bay County.
Beaumont-Port Arthur, Tex.:
  Jefferson County.
  Orange County.
Billings, Mont.:
  Yellowstone County.
Binghamton, N.Y.-Pa.:
  Broome County.
  Tioga County.
  Susquehanna County.
Birmingham, Ala.:
  Jefferson County.
Bismarck, N. Dak.:
  Burleigh County.
Boise, Idaho:
  Ada County.
Boston, Mass.:
  Essex County.
  Middlesex County.
  Norfolk County.
  Plymouth County.
  Suffolk County.
Bridgeport, Conn.:
  Fairfield County.
  New Haven County.
Brockton, Mass.:
  Bristol County.
  Norfolk County.
  Plymouth County.
Brownsville-Harlingen-San Benito, Tex.:
  Cameron County.
Buffalo, N.Y.:
  Erie County.
  Niagara County.
Burlington, Vt.:
  Chittenden County.
Butte, Mont.:
  Silver Bow County.
Calexico-El Centro, Calif.:
  Imperial County.
Canton, Ohio:
  Stark County.
Casper, Wyo.:
  Natrona County.
Cedar Rapids, Iowa:
  Linn County.
Champaign-Urbana, Ill.:
  Champaign County.
Charleston, S.C.:
  Berkeley County.
  Charleston County.
Charleston, W. Va.:
  Kanawha County.
Charlotte, N.C.:
  Mecklenburg County.
  Union County.
Charlottesville, Va.:
  Albemarle County.
  Charlottesville City.
Chattanooga, Tenn.-Ga.:
  Hamilton County, Tenn.
  Walker County, Ga.
Cheyenne, Wyo.:
  Laramie County.
Chicago, Ill.:
  Cook County.
  Du Page County.
  Kane County.
  Lake County.
  McHenry County.
  Will County.
Cincinnati, Ohio-Ky.-Ind.:
  Clermont County, Ohio.
  Hamilton County, Ohio.
  Boone County, Ky.
  Warren County, Ohio.
  Campbell County, Ky.
  Kenton County, Ky.
  Dearborn County, Ind.
Cleveland, Ohio:
  Cuyahoga County.
  Geauga County.
  Lake County.
  Medina County.
Clinton, Okla.:
  Custer County.
Cody, Wyo.:
  Park County.
Colorado Springs, Colo.:
  El Paso County.
Columbia, Mo.:
  Boone County.
Columbia, S.C.:
  Lexington County.
  Richland County.
Columbus, Ga.-Ala.:
  Chattahoochee County, Ga.
  Muscogee County, Ga.
  Russell County, Ala.
Columbus, Ohio:
  Delaware County.
  Franklin County.
  Pickaway County.
Concord, N.H.:
  Merrimack County.
Corpus Christi, Tex.:
  Nueces County.
Dallas, Tex.:
  Collin County.
  Dallas County.
  Denton County.
  Ellis County.
Davenport-Rock Island-Moline, Iowa-Ill.:
  Scott County, Iowa.
  Rock Island County, Ill.
  Henry County, Ill.
Dayton, Ohio:
  Greene County.
  Miami County.
  Montgomery County.
  Preble County.
Decatur, Ill.:
  Macon County.

Denton, Tex.:
Denton County.
Denver, Colo.:
Adams County.
Arapahoe County.
Boulder County.
Denver County.
Jefferson County.
Des Moines, Iowa:
Polk County.
Detroit, Mich.:
Macomb County.
Oakland County.
Wayne County.
Dubuque, Iowa:
Dubuque County.
Duluth-Superior, Minn.-Wis.:
St. Louis County, Minn.
Douglas County, Wis.
Durango, Colo.:
La Plata County.
Durham, N.C.:
Durham County.
El Paso, Tex.:
El Paso County.
Elkins, W. Va.:
Randolph County.
Erie, Pa.:
Erie County.
Eugene, Oreg.:
Lane County.
Evansville, Ind.-Ky.:
Vanderburgh County, Ind.
Henderson County, Ky.
Warrick County, Ind.
Fall River, Mass.-R.I.:
Bristol County, Mass.
Newport County, R.I.
Fargo-Moorhead, N. Dak.-Minn.:
Cass County, N. Dak.
Clay County, Minn.
Fayetteville, N.C.:
Cumberland County.
Fitchburg-Leominster, Mass.:
Middlesex County.
Worcester County.
Flint, Mich.:
Genesee County.
Lapeer County.
Fort Lauderdale-Hollywood, Fla.:
Broward County.
Fort Smith, Ark.-Okla.:
Sebastian County, Ark.
Crawford County, Ark.
LeFlore County, Okla.
Sequoyah County, Okla.
Fort Wayne, Ind.:
Allen County.
Fort Worth, Tex.:
Johnson County.
Tarrant County.
Frankfort, Ky.:
Franklin County.
Fresno, Calif.:
Fresno County.
Gadsden, Ala.:
Etowah County.
Gainesville, Fla.:
Alachua County.
Galveston-Texas City, Tex.:
Galveston County.
Gary-Hammond-East Chicago, Ind.:
Lake County.
Porter County.
Grand Forks, N. Dak.:
Grand Forks County.
Grand Island, Nebr.:
Hall County.
Grand Junction, Colo.:
Mesa County.
Grand Rapids, Mich.:
Kent County.
Ottawa County.
Great Falls, Mont.:
Cascade County.
Greeley, Colo.:
Weld County.
Green Bay, Wis.:
Brown County.
Greensboro-High Point, N.C.:
Guilford County.
Greenville, S.C.:
Greenville County.
Pickens County.
Greenwood, Miss.:
Leflare County.
Hamilton-Middleton, Ohio:
Butler County.
Harrisburg, Pa.:
Cumberland County.
Dauphin County.
Perry County.
Hartford, Conn.:
Hartford County.
Middlesex County.
Tolland County.
Hawaii:
The entire State.
Helena, Mont.:
Clarke County.
Hot Springs, Ark.:
Garland County.
Houston, Tex.:
Harris County.
Huntington-Ashland, W. Va.-Ky.-Ohio:
Cabell County, W. Va.
Wayne County, W. Va.
Boyd County, Ky.
Lawrence County, Ohio.
Huntsville, Ala.
Limestone County.
Madison County.
Huron, S. Dak.:
Beakle County.
Idaho Falls, Idaho:
Bonneville County.
Indianapolis, Ind.:
Hamilton County.
Hancock County.
Hendricks County.
Johnson County.
Marion County.
Morgan County.
Shelby County.
Jackson, Mich.:
Jackson County.
Jackson, Miss.:
Hinds County.
Rankin County.
Jackson, Tenn.:
Madison County.
Jacksonville, Fla.:
Duval County.
Jefferson City, Mo.:
Cole County.
Jersey City, N.J.:
Hudson County.
Johnstown, Pa.:
Cambria County.
Somerset County.
Kalamazoo, Mich.:
Kalamazoo County.
Kansas City, Mo.-Kans.:
Cass County, Mo.
Clay County, Mo.
Jackson County, Mo.
Platte County, Mo.
Johnson County, Kans.
Wyandotte County, Kans.
Kenosha, Wis.:
Kenosha County.
Klamath Falls, Oreg.:
Klamath County.
Knoxville, Tenn.:
Anderson County.
Blount County.
Knox County.
Lafayette, La.:
Lafayette Parish.
Lake Charles, La.:
Calcasieu Parish.
Lancaster, Pa.:
Lancaster County.
Lansing, Mich.:
Clinton County.
Eaton County.
Ingham County.
Laredo, Tex.:
Webb County.
Las Vegas, Nev.:
Clark County.
Lawrence-Haverhill, Mass.-N.H.:
Essex County, Mass.
Rockingham County, N.H.
Lawton, Okla.:
Comanche County.
Lewiston-Auburn, Maine:
Androscoggin County.
Lexington, Ky.:
Fayette County.
Lima, Ohio:
Allen County.
Lincoln, Nebr.:
Lancaster County.
Little Rock-North Little Rock, Ark.:
Pulaski County.
Logan, Utah:
Cache County.
Lorain-Elyria, Ohio:
Lorain County.
Los Angeles-Long Beach, Calif.:
Los Angeles County.
Orange County.
Louisville, Ky.-Ind.:
Jefferson County, Ky.
Clark County, Ind.
Floyd County, Ind.
Lowell, Mass.:
Middlesex County.
Lubbock, Tex.:
Lubbock County.
Lynchburg, Va.:
Amherst County.
Campbell County.
Macon, Ga.:
Bibb County.
Houston County.
Madison, Wis.:
Dane County.
Manchester, N.H.:
Hillsborough County.
Merrimack County.
Manhattan, Kans.:
Riley County.
McCook, Nebr.:
Red Willow County.
Medford, Oreg.:
Jackson County.
Memphis, Tenn.-Ark.:
Shelby County, Tenn.
Crittenden County, Ark.
Meriden, Conn.:
New Haven County.
Meridian, Miss.:
Lauderdale County.
Miami, Fla.:
Dade County.
Midland, Tex.:
Midland County.
Milwaukee, Wis.:
Milwaukee County.
Ozaukee County.
Waukesha County.
Minneapolis-St. Paul, Minn.:
Anoka County.
Dakota County.
Hennepin County.
Ramsey County.
Washington County.
Missoula, Mont.:
Missoula County.
Mobile, Ala.:
Baldwin County.
Mobile County.
Monroe, La.:
Ouachita Parish.
Montgomery, Ala.:
Elmore County.
Montgomery County.
Morgantown, W. Va.:
Monongalia County.
Muncie, Ind.:
Delaware County.
Muskegon-Muskegon Heights, Mich.:
Muskegon County.
Muskogee, Okla.:
Muskogee County.

Nashville, Tenn.:
Davidson County.
Sumner County.
Wilson County.
New Bedford, Mass.:
Bristol County.
Plymouth County.
New Britain, Conn.:
Hartford County.
New Haven, Conn.:
New Haven County.
New London-Groton-Norwich, Conn.:
New London County.
New Orleans, La.:
Jefferson Parish.
Orleans Parish.
St. Bernard Parish.
St. Tammany Parish.
New York, N.Y.:
Bronx County.
Kings County.
New York County.
Queens County.
Richmond County.
Nassau County.
Rockland County.
Suffolk County.
Westchester County.
Newark, N.J.:
Essex County.
Morris County.
Union County.
Newport News-Hampton, Va.:
York County.
Norfolk-Portsmouth, Va.:
Norfolk County.
Princess Anne County.
Norwalk, Conn.:
Fairfield County.
Odessa, Tex.:
Ector County.
Ogden, Utah:
Weber County.
Oklahoma City, Okla.:
Canadian County.
Cleveland County.
Oklahoma County.
Olympia, Wash.:
Thurston County.
Omaha, Nebr.-Iowa:
Douglas County, Nebr.
Sarpy County, Nebr.
Pottawattamie County, Iowa.
Orlando, Fla.:
Orange County.
Seminole County.
Parkersburg, W. Va.:
Wood County.
Paterson-Clifton-Passaic, N.J.:
Bergen County.
Passaic County.
Pensacola, Fla.:
Escambia County.
Santa Rosa County.
Peoria, Ill.:
Peoria County.
Tazewell County.
Woodford County.
Philadelphia, Pa.-N.J.:
Bucks County, Pa.
Chester County, Pa.
Delaware County, Pa.
Montgomery County, Pa.
Philadelphia County, Pa.
Burlington County, N.J.
Camden County, N.J.
Gloucester County, N.J.
Phoenix, Ariz.:
Maricopa County.
Pierre, S. Dak.:
Hughes County.
Pittsburgh, Pa.:
Allegheny County.
Beaver County.
Washington County.
Westmoreland County.
Pittsfield, Mass.:
Berkshire County.
Port Collins, Colo.:
Larimer County.
Portland, Maine:
Cumberland County.
Portland, Oreg.-Wash.:
Clackamas County, Oreg.
Multnomah County, Oreg.
Washington County, Oreg.
Clark County, Wash.
Portsmouth, N.H.:
Rockingham County.
Providence-Pawtucket-Warwick, R.I.-Mass.:
Bristol County, R.I.
Kent County, R.I.
Newport County, R.I.
Providence County, R.I.
Washington County, R.I.
Bristol County, Mass.
Norfolk County, Mass.
Worcester County, Mass.
Provo-Orem, Utah:
Utah County.
Pueblo, Colo.:
Pueblo County.
Puerto Rico.
Racine, Wis.:
Racine County.
Raleigh, N.C.:
Wake County.
Rapid City, S. Dak.:
Pennington County.
Reading, Pa.:
Berks County.
Reno, Nev.:
Washoe County.
Richmond, Va.:
Chesterfield County.
Hanover County.
Henrico County.
Roanoke, Va.:
Roanoke County.
Rochester, N.Y.:
Livingston County.
Monroe County.
Orleans County.
Wayne County.
Rockford, Ill.:
Boone County.
Winnebago County.
Rollo, Mo.:
Phelps County.
Rome, Ga.:
Floyd County.
Sacramento, Calif.:
Placer County.
Sacramento County.
Yolo County.
Saginaw, Mich.:
Saginaw County.
St. Albans, Vt.:
Franklin County.
St. Joseph, Mo.:
Buchanan County.
St. Louis, Mo.-Ill.:
Jefferson County, Mo.
St. Charles County, Mo.
St. Louis County, Mo.
Madison County, Ill.
St. Clair County, Ill.
Salt Lake City, Utah:
Davis County.
Salt Lake County.
San Angelo, Tex.:
Tom Green County.
San Antonio, Tex.:
Bexar County.
Guadalupe County.
San Bernardino-Riverside-Ontario, Calif.:
Riverside County.
San Bernardino County.
San Diego, Calif.:
San Diego County.
San Francisco-Oakland, Calif.:
Alameda County.
Contra Costa County.
Marin County.
San Francisco County.
San Mateo County.
Solano County.
San Jose, Calif.:
Santa Clara County.
Salina, Kans.:
Salina County.
Salisbury, Md.:
Wicomico County.
Santa Barbara, Calif.:
Santa Barbara County.
Santa Fe, N. Mex.:
Santa Fe County.
Savannah, Ga.:
Chatham County.
Scottsbluff, Nebr.:
Scottsbluff County.
Scranton, Pa.:
Lackawanna County.
Seattle-Everett, Wash.:
King County.
Snohomish County.
Sheridan, Wyo.:
Sheridan County.
Shreveport, La.:
Bossier Parish.
Caddo Parish.
Sioux City, Iowa-Nebr.:
Woodbury County, Iowa.
Dakota County, Nebr.
Sioux Falls, S. Dak.:
Minnehaha County.
South Bend, Ind.:
St. Joseph County.
Marshall County.
Spartansburg, S.C.:
Spartansburg County.
Spokane, Wash.:
Spokane County.
Springfield, Ill.:
Sangamon County.
Springfield, Mo.:
Greene County.
Springfield, Ohio.:
Clark County.
Springfield-Chicopee-Holyoke, Mass.:
Hampden County, Mass.
Hampshire County, Mass.
Worcester County, Mass.
Stamford, Conn.:
Fairfield County.
Steubenville-Weirton, Ohio-W. Va.:
Jefferson County, Ohio.
Brooke County, W. Va.
Hancock County, W. Va.
Stillwater, Okla.:
Payne County.
Stockton, Calif.:
San Joaquin County.
Syracuse, N.Y.:
Madison County.
Onondaga County.
Oswego County.
Tacoma, Wash.:
Pierce County.
Tallahassee, Fla.:
Leon County.
Tampa-St. Petersburg, Fla.:
Hillsborough County.
Pinellas County.
Temple, Tex.:
Bell County.
Terre Haute, Ind.:
Clay County.
Sullivan County.
Vermillion County.
Vigo County.
Texarkana, Tex.-Ark.:
Bowie County, Tex.
Miller County, Ark.
Toledo, Ohio-Mich.:
Lucas County, Ohio.
Wood County, Ohio.
Monroe County, Mich.
Topeka, Kans.:
Shawnee County.
Trenton, N.J.:
Mercer County.

Tucson, Ariz.:
Pima County.
Tulsa, Okla.:
Creek County.
Osage County.
Tulsa County.
Tuscaloosa, Ala.:
Tuscaloosa County.
Tyler, Tex.:
Smith County.
Utica-Rome, N.Y.:
Herkimer County.
Oneida County.
Vallejo-Napa, Calif.:
Napa County.
Solano County.
Vicksburg, Miss.:
Warren County.
Virgin Islands.
Waco, Tex.:
McLennan County.
Walla Walla, Wash.:
Walla Walla County.
Benton County.
Washington, D.C.-Md.-Va.:
District of Columbia.
Alexandria, City, Va.
Fairfax, City, Va.
Falls Church, City, Va.
Montgomery County, Md.
Prince Georges County, Md.
Arlington County, Va.
Fairfax County, Va.
Waterbury, Conn.:
Litchfield County.
New Haven County.
Waterloo, Iowa:
Black Hawk County.
Wenatchee, Wash.:
Chelan County.
West Palm Beach, Fla.:
Palm Beach County.
Wheeling, W. Va.-Ohio:
Marshall County, W. Va.
Ohio County, W. Va.
Belmont County, Ohio.
Wichita, Kans.:
Butler County.
Sedgwick County.
Wichita Falls, Tex.:
Archer County.
Wichita County.
Wilkes-Barre-Hazleton, Pa.:
Luzerne County.
Wilmington, Del.-N.J.-Md.:
New Castle County, Del.
Salem County, N.J.
Cecil County, Md.
Wilmington, N.C.:
New Hanover County.
Winston-Salem, N.C.:
Forsyth County.
Worcester, Mass.:
Worcester County.
Yakima, Wash.:
Yakima County.
York, Pa.:
York County.
Adams County.
Youngstown-Warren, Ohio.:
Mahoning County.
Trumbull County.
Yuma, Ariz.:
Yuma County.

(b) The Department of the Treasury may lease building space, and land incidental thereto, for the use of the Comptroller of the Currency and provide for its operation, maintenance, and custody.

(c) The Tennessee Valley Authority may lease building space, and land incidental thereto, and provide for its operation, maintainence, and custody.

(d) The National Aeronautics and Space Administration may lease building space, and land incidental thereto, and provide for its operation, maintenance, and custody outside the District of Columbia.

(e) A Federal agency may lease space in buildings, and land incidental thereto, for its use when:

(1) The space is located in any foreign country;

(2) The space is in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy Yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(3) The space is acquired by the Post Office Department for post office purposes.

### § 101–18.105 Agency cooperation.

The heads of executive agencies shall (a) cooperate with and assist the Administrator of General Services in carrying out his responsibilities respecting office buildings and space, (b) take measures to give GSA early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs, or significant loss of efficiency.

### § 101–18.106 Delegation of leasing authority.

Subject to the limitations stated in § 101–18.107, agencies are hereby authorized to perform for themselves all functions with respect to acquisition of space by lease in buildings, and land incidental thereto, when the following conditions are met:

(a) The space may be leased for no rental, or for a nominal consideration of $1.00 per annum; or

(b) When authority has been requested by an executive agency and a specific delegation has been granted by the Administrator of General Services; or

(c) The space is found by the Administrator of General Services to be wholly or predominantly utilized for the special purposes of the agency to have custody thereof, and is not generally suitable for the use of other agencies; including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions. The types of space listed in § 101–18.106–1 have been found to be wholly or predominantly utilized for the special purposes of the agency named, and are not generally suitable for the uses of other agencies.

### § 101–18.106–1 List of special purpose space.

(a) Department of Agriculture:
(1) Aircraft storage and repair shops.
(2) Fumigation areas.
(3) Garage space held under service contract.
(4) Greenhouses.
(5) Land.
(6) Miscellaneous storage by cubic foot or weight basis.
(7) Office space when required to be located in or adjacent to stockyards.
(8) Space for agricultural commodities stored in licensed warehouses and utilized under warehousing contracts.
(9) Space utilized in cooperation with State and local governments, or instrumentalities thereof, where a portion of such space is occupied by and a portion of the rental is paid by the cooperating State or local government.

(b) Department of Commerce:
(1) Maritime training stations.
(2) Radio stations.
(3) Laboratories for testing materials, classified ordnance devices, and calibration of instruments.
(4) Weather bureau offices at airports.
(5) Docks, piers, and mooring facilities.
(6) Garage space held under service contract.
(7) Hangars used for airplane storage.
(8) Oil and gasoline storage.
(9) Shipbuilding materials storage.
(10) Stockpiling depots.
(11) Torpedo net depots.

(c) Department of Defense:
(1) Air Force—Civil Air Patrol Liaison Office when required for use incidental to, in conjunction with, and in close proximity to airports.
(2) Armories.
(3) Cold and freezer storage.
(4) Depot storage.
(5) Dock and piers.
(6) Film library in the vicinity of Washington, D.C.
(7) Filter centers.
(8) Garage space held under service contract.
(9) Hangars and other airport operating facilities.
(10) Hospitals.
(11) Hotels.
(12) Housing.
(13) Land (including aircraft and warning stations).
(14) Laundries.
(15) Leased buildings at Jackson, Mississippi, Air Force Base.
(16) Lumber storage.
(17) Mess halls.
(18) Mooring space.
(19) Oil and gasoline storage.
(20) Open storage.
(21) Ports of embarkation and debarkation.
(22) Post exhanges.
(23) Postal Concentration Center at Long Island City, New York.
(24) Recreation centers.
(25) Reserve training space.
(26) Schools.
(27) Service clubs.
(28) Testing laboratories.
(29) Troop detachments.

(d) Federal Aviation Agency:
(1) Aeronautical Center at Oklahoma City, Oklahoma.
(2) Air route traffic control centers.
(3) All space located at airports.

(4) Garage space held under service contract.

(5) Land.

(e) Home Loan Bank Board: Space for field offices of Examining Division required to be located within Federal Home Loan Bank Buildings or immediately adjoining or adjacent thereto.

(f) Housing and Home Finance Agency: Space used for residential purposes and space used in connection therewith by the Public Housing Administration.

(g) Department of Justice: U.S. Marshal's offices in Alaska and Border Patrol Offices similar in character and utilization to police stations, involving the handling of prisoners, firearms, and motor vehicles, regardless of location.

(h) Panama Canal Company: Present space in New York, New York.

(i) Tax Court of the United States: Present courtroom in Grand Central Terminal Building, New York, New York.

(j) Treasury Department:

(1) United States Coast Guard: Plots of land and pier sites, including closed storage space required in combinations with piers, docking and mooring facilities; space for the oceanic unit at Woods Hole, Massachusetts; and space for port security activities.

(2) Garage space held under service contracts.

(k) Veterans Administration:

(1) Guidance and training centers located at schools and colleges.

(2) Space used for Veterans Administration hospitals and related purposes.

(l) Department of the Interior: Space in buildings used by field crews of the Bureau of Reclamation for periods of less than one year in remote areas where no other Government agency is quartered.

(m) Department of Health, Education, and Welfare: Space used for hospitals, quarantine stations, and laboratories.

(n) Atomic Energy Commission: Present space in St. Louis, Missouri.

(o) Federal Communications Commission: Monitoring station sites.

### § 101–18.107 Limitations on the use of delegated authority.

(a) Agencies authorized by this Subpart 101–18.1 to perform functions with respect to acquiring space by lease may perform such functions only:

(1) When the utilization requirements of Part 101–20 have been met; and

(2) In accordance with the authorities and policies cited in §§ 101–18.101 and 101–18.102 and applicable provisions of Chapters 1 and 101 of Title 41, Code of Federal Regulations.

(b) Agencies may not exercise the long-term leasing authority contained in section 210(h)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)) in the performance of the functions delegated under this Subpart 101–18.1 without specific authorization from the Administrator of General Services.

## PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS


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AUTHORITY: The provisions of this Part 101–19 issued under sec. 205(c), 63 Stat 390; 40 U.S.C. 486(c).

### § 101–19.000 Scope of part.

The regulations in this part prescribe policies and methods under which GSA provides for the management, operation, protection, and maintenance of Government-owned and -leased buildings and grounds required by the Federal agencies to undertake their assigned missions.

### § 101–19.001 Authority.

This Part 101–19 implements the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of March 1, 1919 (40 U.S.C. 1); the Act of June 23, 1923 (40 U.S.C. 281); the Act of May 27, 1924 (D.C. Code, 1961 ed., 4–208); the Act of June 20, 1936 (20 U.S.C. 107 et seq.); the Act of December 10, 1941 (40 U.S.C. 291); the Act of May 14, 1948 (40 U.S.C. 130); the Act of June 1, 1949 (40 U.S.C. 318 et seq.); the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended); and the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR).

## Subpart 101–19.1—Operation and Maintenance

### § 101–19.100 Scope of subpart.

This subpart is applicable to all buildings and grounds managed by and under the custody of GSA for which funds for rent, operation, maintenance and protection, repair, and improvement are appropriated directly to GSA and all buildings and grounds managed on a reimbursable basis.

### § 101–19.101 Government-owned buildings.

Services and utilities necessary to make space usable for ordinary purposes will be provided. Buildings and equipment, including grounds and approaches, will be operated, maintained, and repaired in accordance with standards prescribed by GSA. Wholly owned Government corporations are required to pay such rental for Government-owned space occupied at the seat of Government as may be determined by GSA, such rental to include all costs of maintenance, upkeep, and repair.

### § 101–19.102 Leased buildings.

Operation of space in leased buildings will be based on the same standards and levels of service provided in Government-owned space. However, the scope of the operation and maintenance performed by GSA will be predicated on the extent of the lessor's liability therefor under the terms of the lease.

### § 101–19.103 Protection.

Normal safety, fire, and guard protection will be furnished to provide for the safety of visitors and occupants of the building, the maintenance of order, and the protection of the Government's interest in the property. Security guarding can be made available on a reimbursable basis at the request of tenants, provided specific authority for such expenditure is given in agency appropriation act language or other law.

### § 101–19.104 Policy.

(a) It is the policy of GSA, with due regard to the program activities of the agencies concerned, to hold all improvement and alteration work to the absolute minimum required to house the agencies and to permit them to carry out their programs in an efficient manner.

(b) Alterations, improvements, and repairs will be made to buildings and facilities as necessary to protect the investment of the Government, within the limit of funds available therefor. Such work shall be performed in leased premises by GSA to the extent that the Government is responsible therefor under the provisions of the lease and the limitations of section 322 of the Economy Act (40 U.S.C. 278a), are not exceeded, except as otherwise provided by law.

(c) Alterations in space in buildings for which GSA controls operation and maintenance will be made to the extent necessary as a result of moves ordered by GSA in the assignment or reassignment of space.

(d) Space adjustments or alterations requested by an agency for its convenience in rearranging, expanding, or consolidating activities, or for laboratory, scientific, or other special functions will be performed on a reimbursable basis, subject to approval of the changes by GSA. Approval will be based on engineering and structural limitations of the building, conformance with policy and normal practice in the building, and limitations due to lease provisions or law. All such work shall be performed under the supervision of GSA.

(e) Agencies assigned space by GSA are not authorized to negotiate with lessors or other sources for alterations, utilities, or other services, exchanges of space, or changes of any nature without prior approval of GSA.

### § 101–19.105 Furniture and furnishings.

### § 101–19.105–1 Definition.

For the purposes of this section, the term "furniture and furnishings" means items normally required in office occupancy, such as desks, tables, chairs, costumers, file cabinets, bookcases, and floor coverings. It does not include desk top items, office machines, or labor-saving devices; nor special desks, tables, or cabinets involved in the use of such equipment; nor items peculiar to an agency's specialized functions.

### § 101–19.105–2 Funding for moving.

Moving of office equipment, furniture and furnishings, and other personal property will be accomplished when required as a result of moves ordered by GSA in the assignment, reassignment, and control of space. Moving services requested by an agency for its convenience in rearranging or consolidating activities will be performed on a reimbursable basis.

### § 101–19.105–3 Moving of furniture and furnishings.

The moving of furniture and furnishings in the reassignment of space under the control of GSA for space assignment purposes shall be restricted to the fullest extent practicable in the interest of efficiency and economy. Furniture and furnishings (except filled file cabinets) shall not be moved when suitable furniture and furnishings can be made available to the agency or segment of an agency reassigned to a new location.

### § 101–19.105–4 Determinations.

(a) Since the determinations with respect to the availability of furniture and furnishings for outfitting an office are dependent to a large degree on the size, location, and type of occupancy of the individual blocks of space which may be involved, the determinations required by section 210(g) of the Federal Property and Administrative Services Act (40 U.S.C. 490(g)) shall be made by appropriate GSA officials, in consultation with duly authorized agency officials, at the local level as circumstances in each case warrant. Determinations shall be based on accomplishing the move:

(1) At the least total cost to the Government;

(2) Without engaging in new or extensive procurement of furniture; and

(3) Without causing undue delay in the work schedule of the moving agency.

### § 101–19.105–5 Furniture control.

The furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of GSA without reimbursement, except when purchased from trust funds. Such furniture will be reassigned to other using agencies or reported excess. When furniture is reassigned by GSA, custody and accountability therefor will be transferred to the using agency. Internal moves made by agencies within assigned areas and not subject to space reassignment action by GSA are exempt from the requirements of this § 101–19.105. However, in the interest of efficiency and economy, agencies should restrict the moving of furniture to the extent feasible.

### § 101–19.106 Conservation of services.

Occupant agencies should assist in the management of buildings by practicing good housekeeping methods and, wherever possible, by exercising economy in the use of electric current, heat, cooling, building supplies, facilities, and other services. Utilities should be conserved by turning off lights and equipment when not needed. Supplies furnished in the servicing of buildings should be conserved. Equipment and furnishings should be kept neat and orderly. Storage of books, papers, and other materials on the floor or on top of equipment, desks, or tables should be avoided. Trash and other waste materials should be disposed of in the receptacles provided. Soiling or damaging walls and other painted surfaces is prohibited. It is the responsibility of agencies occupying space in Government-owned or -leased quarters to require their employees to observe such conservation practices.

### § 101–19.107 Door title cards and holders.

Cards indicating the room number and the occupants of the room are provided by GSA at no cost to the occupant, when the space is managed by GSA. Cards are normally 8″ x 6″ in size and are available in several colors with contrasting lettering. A standard color combination is assigned for each building. The aluminum holder for the cards is also supplied free of charge and is cemented to the corridor wall on the knob side at each door. Agencies requiring identification of the occupant of the space should fill out Optional Form 12, Request for Door Title Cards and Holders, and submit it to the Buildings Manager for that building. Usually, the card carries only the name of the operational unit which is occupying the room. Occasionally, it may be desirable to list the name of the chief of the unit also. Lettering painted on doors is to be avoided. Optional Form 12 should be used for requesting GSA to furnish other cards, signs, and sign writing for the benefit of the tenant, as a reimbursable service.

§ 101–19.108 Property pass.

(a) Optional Form 7, Property Pass, shall be used by all agencies requiring a pass for the removal of tenant agency controlled Government property from Federal buildings. The form may be used for the removal of personally owned property when security regulations are in force in a given building.

(b) It is to be filled in and signed by the person authorizing the removal of the property. The person authorized to remove the property is to surrender the pass to the guard when leaving the building. The disposition of the pass after collection by the guard is a matter of administrative determination to be made by the using agency.

§ 101–19.109 Decorations.

§ 101–19.109–1 Manufactured decorations.

Manufactured decorations such as crepe paper, drapes, curtains, cotton, cardboard, flock, and similar material shall be flameproof.

§ 101–19.109–2 Christmas trees.

The use of natural Christmas trees shall be subject to the following requirements:

(a) In buildings of fire-resistive construction and in buildings provided with automatic sprinkler protection, a reasonable number of trees may be placed regardless of the tree size. In other buildings, the number of trees should be held to a minimum and restricted to 3 feet in height.

(b) Trees shall be placed away from radiators and other heating equipment, away from curtains and other combustible materials, away from water pipes and other exposed electrical grounds, and in locations that will not interfere with ingress or egress facilities. Trees shall not be located near open stairs.

(c) Freshly cut trees should be obtained insofar as possible. The freshness of the tree should be maintained by sawing it off at an angle at least 1 inch above the original cut and keeping the tree standing in water during the entire time it is kept in the building. This will aid in reducing its flammability.

(d) Trees shall be removed from the building as promptly as possible, and in no case shall a tree remain for more than 10 days after installation.

§ 101–19.109–3 Natural decorations.

Holly, cornstalks, and similar material may be used for decorative purposes only with the approval of GSA Buildings Manager or custodian. Only sparing quantities of such material shall be used.

§ 101–19.109–4 Electric lights.

Electric lights may be used for decorative purposes only with the approval of the GSA Buildings Manager or custodian. All installations shall be made under the supervision of a competent electrician and shall meet accepted wiring methods and materials standards. All equipment, including tree lighting sets, shall be checked for defects and repaired or replaced if necessary. Tree lighting sets shall not be used on metal trees, whether grounded or not, or on other trees treated with conductive coatings because of the electrical shock hazard.

§ 101–19.109–5 Lighted candles.

Lighted candles shall not be used for decorative purposes in any Government building.

§ 101–19.110 Employee-owned electrical equipment.

An agency desiring to have an employee-owned electrical appliance installed in a building under the jurisdiction of GSA shall submit a request in writing to the GSA Buildings Manager in charge of the building in which the installation is to be made. The request shall describe the appliance and its intended use and shall have been approved by an authorized representative of the agency. The Buildings Manager will inform the requesting agency of the approval or disapproval of the request. All installations shall be made by or under his direction and in conformance with the safety and installation requirements. Whether payment will be required therefor shall be determined from the applicable provisions of Subpart 101–19.4. The Buildings Manager will provide for the periodic inspection of all installations of electrical appliances to guard against possible fire hazards and to ensure the observance of good housekeeping practices. When the use or installation of the appliance does not conform to the appropriate safety, installation, and sanitary requirements, the agency will be requested to order its removal.

§ 101–19.111 Vehicle parking facilities.

§ 101–19.111–1 General.

GSA is responsible for determining what space in and around existing Government-owned properties under its custody and control may be utilized for vehicle parking purposes.

§ 101–19.111–2 Policy.

(a) It is the policy of the GSA to establish, to the extent funds are available therefor, vehicle parking facilities in and around existing Government-owned properties under the custody and control of GSA. Such facilities will be consistent with the character of other properties in the neighborhood, will not adversely affect the use or appearance of the Government property, and will not constitute a traffic hazard. GSA will assign parking space at a facility in the following order or priority:

(1) Government-owned vehicles of agencies;

(2) Privately owned vehicles used for Government business;

(3) Vehicles of persons transacting business within the property; and

(4) Vehicles of employees of agencies after the needs in § 101–19.111–2(a) (1), (2), and (3) have been satisfied.

§ 101–19.111–3 Parking space assignment.

Allotment of areas will be made to agencies which shall administer such areas for parking purposes. Policing of public buildings and grounds, including parking areas, are set forth in Subpart 101–19.3. Formal space assignment procedures shall not apply to parking areas. If agencies wish GSA to assign spaces at a facility, the order or priority indicated in § 101–19.111–2 will be followed. If necessary, and at occupant agency request, provisions will be made by GSA to regulate the use of parking areas by policing with GSA or other Government personnel, or by arrangement with local law enforcing authority. Unusual protection requirements shall be subject to reimbursement.

§ 101–19.112 Concessions.

§ 101–19.112–1 Scope of section.

This section applies to concessions in buildings operated by GSA, except vending stands operated by blind persons under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.).

§ 101–19.112–2 General.

(a) Concessions require the use of space and the provision of various building facilities and services. The type and location of each concession may seriously affect GSA costs for its installation, as well as later costs for building maintenance and operation.

(b) It is essential, therefore, that the type and location of each concession be satisfactory to GSA, and that each concession contract definitely establish the responsibilities of the concessionaire with respect to costs and other matters which affect building maintenance and operation. It also is imperative that consideration be given to pertinent legislation and the terms of existing contracts between GSA and concessionaires.

(c) GSA will arrange for the establishment of all concessions, including public telephones, in buildings under its custody and control. It will provide suitable space for approved concessions, arrange for necessary alterations and installations, enter into contracts or issue permits, and select concessionaires.

§ 101–19.112–3 Transferred buildings.

Concessions which were contracted for or otherwise arranged for by a Federal agency having custody and control of a building before its transfer to GSA, except concessions operated by the blind, may be continued under the supervision of that agency upon written approval of GSA subject to the following:

(a) Proposed alterations and improvements, purchases of equipment for replacement, and other matters affecting the building structure or its maintenance and operation, shall be approved by GSA.

(b) GSA will arrange for periodic inspections to insure compliance with safety, health, and sanitary codes.

§ 101–19.112–4 Supervision.

(a) Responsibility for supervision and administration of all concessions, except as provided in § 101–19.112–3, is vested in GSA.

(b) In the case of contracts and permits to which GSA is a party, officials of tenant agencies shall not, unless authorized by GSA, instruct concessionaries concerning types of service, articles to

be sold, prices, or any other phase of operations. They shall communicate their wishes and requirements in such matters and shall refer suggestions and criticisms of Federal employees to the GSA Buildings Manager or to the appropriate regional official of GSA who will take such action in consequence thereof as may be deemed appropriate.

**§ 101–19.112–5 Determination of need.**

GSA will determine the need for concessions based on the following requirements:

(a) There must be adequate justification for each concession.

(b) Sufficient funds shall be available to defray the cost of providing necessary utility lines, preparing space, and doing other things for which the Federal Government will be responsible.

(c) Sufficient and satisfactory space must be available for the purpose.

(d) It shall be possible to establish and operate each concession in conformance with safety, health, and sanitary codes.

(e) There shall be no contravention of the provisions of law, or the terms of any lease (except with the prior consent of the lessor).

(f) The proposed concession shall not be detrimental or objectionable to other tenant agencies in the building.

(g) Commodities and services sold shall be limited to those which Federal employees may need to obtain while on duty, which are essential to their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities; *Provided:* That this requirement shall not prevent the approval of concessions required to serve a functional need of a tenant agency, as when the Government provides meals to inductees into the armed forces; or vending stands to be operated by the blind.

(h) Except when unusual conditions prevail, each concession shall be such as will serve all Federal employees in the building. This does not preclude the establishment of duplicate facilities when justified by the size of the building.

**§ 101–19.112–6 Scheduling patronage.**

When requested by GSA, each tenant agency should endeavor to schedule the times at which its employees may use concession services, so that patronage will be distributed evenly over a reasonable serving period.

**§ 101–19.112–7 Safety, cleanliness, and sanitation.**

(a) In the interest of safety, cleanliness, and sanitation, patrons shall be encouraged to consume foods and beverages at the point of purchase. When foods or beverages are removed from the concession area for consumption, agency heads shall require the following:

(1) Beverages and liquid foods be in covered containers.

(2) Empty cans be placed in receptacles provided by the concessionaires, or be placed alongside office waste receptacles.

(3) Liquids not be poured into waste receptacles.

(4) Spillage of liquids in corridors, lobbies, or work areas be avoided.

(5) Nondisposable dishes, silverware, and other utensils not be removed from concession areas without the permission of the concessionaire, and those removed with his permission be returned promptly after each use by the person granted permission.

(6) Violation of these requirements may make it necessary to withdraw the privilege of carrying foods and beverages from concession areas.

**§ 101–19.112–8 Music.**

(a) As in the case of other concessions, the broadcasting of music in work or concession areas shall be subject to the prior approval of GSA.

(b) Approval will be subject to the applicable provisions of § 101–19.112–4, and to the following requirements:

(1) The interested tenant agency shall accept responsibility for the satisfactory selection of music and other aspects of the service.

(2) The music shall be provided without expense to GSA, and in concession areas without expense to the concessionaire, except with his prior concurrence.

(3) Installations incident to the provision of the music shall be satisfactory to the superintendent of the building.

(4) The provision of the music shall not unduly interfere with the satisfactory operation of a concession.

(5) The installation shall not be used for commercial advertising.

## Subpart 101–19.2 [Reserved]

## Subpart 101–19.3—Conduct on Federal Property

**§ 101–19.300 General.**

The rules and regulations in this subpart apply to all Federal property under the control of GSA and to all persons entering in or on such property. Unless otherwise stated herein, Federal property under the charge and control of GSA is referred to as "property", and "public space" means GSA controlled entrances, lobbies, foyers, corridors, and auditoriums when used for public meetings. It is the responsibility of the occupant agencies to require observance of these rules and regulations by their employees.

**§ 101–19.301 Recording presence.**

Persons entering or leaving properties during periods when such properties are closed to the public shall sign the register and/or display authorized identification documents when requested by the guard, watchman, or other authorized individuals.

**§ 101–19.302 Preservation of property.**

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

**§ 101–19.303 Conformity with signs and emergency directions.**

Persons in and on property shall comply with official signs of a prohibitory or directory nature, and, during emergencies, with the directions of authorized individuals.

**§ 101–19.304 Nuisances.**

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct on property, throwing articles of any kind from a building and climbing upon any part of a building, is prohibited.

**§ 101–19.305 Gambling.**

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property, is prohibited.

**§ 101–19.306 Intoxicating beverages and narcotics.**

Entering property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on property, is prohibited.

**§ 101–19.307 Soliciting, vending, debt collection, and distribution of handbills.**

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the occupant agencies, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of authorized individuals.

**§ 101–19.308 Photographs for news, advertising, or commercial purposes.**

Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in public space without prior permission. Photographs for advertising and commercial purposes may be taken in public space only with the prior written permission of the Building Manager. Photographs for news, advertising, or commercial purposes may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned.

**§ 101–19.309 Dogs and other animals.**

Dogs and other animals, except seeing-eye dogs, shall not be brought upon property for other than official purposes.

**§ 101–19.310 Vehicular and pedestrian traffic.**

(a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply

with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited;

(c) Except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, with the approval of the appropriate Regional Administrator, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

**§ 101–19.311 Weapons and explosives.**

No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

**§ 101–19.312 Nondiscrimination.**

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on property.

**§ 101–19.313 Penalties and other law.**

Whoever shall be found guilty of violating the rules and regulations in this Subpart 101–19.3, while on property over which the United States exercises exclusive or concurrent legislative jurisdiction, is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this Subpart 101–19.3 shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations, applicable to any area in which property is situated.

## Subpart 101–19.4—Standard Practices for Financing

**§ 101–19.400 Scope of subpart.**

This subpart prescribes the standards and the division of responsibility as between Federal agencies and GSA for financing building operations.

**§ 101–19.401 Policy.**

With respect to buildings under its control, the policy of GSA, in providing space and related services to Federal agencies, is as set forth in § 101–19.401–1.

**§ 101–19.401–1 GSA responsibility.**

(a) GSA shall be responsible, within the funds appropriated to it for such purposes, for:

(1) Providing general purpose space and related services necessary to meet the needs of tenant agencies.

(2) Making repairs, betterments, and alterations, and providing building equipment for occupant agencies in Government-owned buildings, except such space occupied or to be occupied by the Post Office Department in post office buildings where the services will be limited to repairs.

(b) The suitability of space for tenant agency use, the scope, degree, and level of service to be rendered to all agencies in Government, and the adequacy of appropriations to GSA therefor will be for ultimate determination by GSA with due regard for agency program requirements.

**§ 101–19.401–2 Other agencies' responsibility.**

(a) To the extent that GSA appropriations are not adequate for providing necessary space and related services, other agencies shall be responsible for paying all or part of the cost thereof, providing their appropriations are legally available for the purpose.

(b) It shall be the responsibility of tenant agencies to notify GSA in writing of desired changes in occupancy, space use, or requirements for more than one shift operation. Notification shall be given in time to permit consideration of the cost of the desired changes in GSA annual budget estimates.

(c) Occupant and tenant agencies shall also be responsible for services as outlined in § 101–19.403. When such services involve public improvements, as defined in § 101–19.402, the work may not be undertaken in the absence of an appropriation legally available for the purpose. (See 41 U.S.C. 12).

(d) If new or additional rented space is required in the District of Columbia, for which GSA has not budgeted, specific authority for the payment thereof is required in the agency appropriation or in other law clearly applicable to the appropriation to be charged, or through an appropriation for a purpose which clearly implies that the rental of a building or a part thereof is authorized by the Congress. (See 40 U.S.C. 34).

**§ 101–19.402 Definitions.**

For the purposes of this Subpart 101–19.4, terms shall have the meanings described in this section.

**§ 101–19.402–1 Buildings under the control of GSA.**

"Buildings under the control of GSA" means Government-owned and -leased buildings, but excludes the following buildings and construction projects:

(a) On the public domain (including that reserved for national forests and other purposes).

(b) On properties of the United States in foreign countries.

(c) On Indian and native Eskimo properties held in trust by the United States.

(d) On lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith.

(e) On or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects.

(f) On or used in connection with housing and residential projects.

(g) On military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense).

(h) On Veterans Administration installations used for hospital or domiciliary purposes.

(i) Acquired by lease by Post Office Department for post office purposes.

(j) Acquired by lease by other Government agencies under authority delegated by GSA.

(k) Which the President may deem, from time to time hereafter, to be justified in the public interest.

**§ 101–19.402–2 General purpose space.**

"General purpose space" means space in buildings under the control of GSA, including land incidental to the use thereof, which may be suitable for the use of agencies generally, as determined by GSA.

**§ 101–19.402–3 Special purpose space.**

"Special purpose space" means space in buildings under the control of GSA, including land incidental to the use thereof, which is wholly or predominantly utilized for the special purposes of an agency and not generally suitable for the use of other agencies, as determined by GSA.

**§ 101–19.402–4 Related services.**

"Related services" includes rent, operation, protection, maintenance, repair, betterment, and alteration of buildings, and initial adjustment of space; providing necessary building equipment; and moving tenant agencies when assigned to space at the direction of GSA.

**§ 101–19.402–5 Tenant agency.**

"Tenant agency" means any Federal agency occupying space in a building for which GSA has the responsibility for the functions of operation and maintenance.

**§ 101–19.402–6 Occupant agency.**

"Occupant agency" means any Federal agency occupying space in a building, under the control of GSA, for which GSA has space assignment responsibility but does not have the responsibility for the functions of operation and maintenance.

**§ 101–19.402–7 Maintenance.**

"Maintenance" means to preserve or keep in an existing state or condition by periodic or occasional inspection, adjustment, lubrication, cleaning, and making necessary minor repairs. Ordinary maintenance is that routine recurring work which is incidental to everyday operations. Preventive maintenance is that work which is programmed at scheduled intervals.

**§ 101–19.402–8 Repair.**

"Repair" means the restoration of a facility to a condition substantially equivalent to its original state and efficiency. The distinction is made that whereas maintenance is preventive, repairs are curative. Repairs may involve replacement of component units in whole or in part where the new unit substituted is no better than the old one was when it was acquired. Routine and incidental replacements of parts constitute ordinary repairs; extensive replacements of parts constitute extraordinary repairs.

**§ 101–19.402–9 Betterment.**

"Betterment" means a substitution where the new unit is better than the old one was when it was acquired. The term "betterment" may also include actions referred to as modernizations.

**§ 101–19.402–10 Space adjustment.**

"Space adjustment" means a rearrangement of space, or relocation of equipment, which does not increase building capacity or improve its quality. A "space adjustment" is made usually to accommodate a specific agency operation or to permit the most efficient use of space and facilities.

**§ 101–19.402–11 Extension.**

"Extension" means an addition, enlargement, or expansion of an existing building which results in an increase in capacity.

**§ 101–19.402–12 Conversion.**

"Conversion" includes the redesign, remodeling, and conversion of a building from one use to another, i.e., hospital or warehouse to office space.

**§ 101–19.402–13 Alteration.**

"Alteration" means to repair, remodel, improve, extend, or make other changes in a public building.

**§ 101–19.402–14 Public improvement.**

The term "public improvement" is of statutory origin and has a meaning peculiar to the law (see 41 U.S.C. 12). A "public improvement" is interpreted to include any alteration, and such betterments and extraordinary repairs as will appreciably prolong the life or increase the value of a building.

**§ 101–19.402–15 Legally available (as applicable to funds).**

The term "legally available" means that specific agency appropriations are authorized for use for particular purposes, when there is (a) specific language therefor in an appropriation act or in a substantive statute to which the appropriation act is related or (b) adequate support for the use thereof in the legislative history of the appropriation act, notwithstanding the availability of general appropriations to GSA for similar purposes. Evidence of legal availability will be established, when required, by certification from the requisitioning agency to GSA.

**§ 101–19.403 Standard practices.**

The following standard practices are prescribed for carrying out the policy as outlined in § 101–19.401. These practices, which are similar to those followed in commercial building operations, are the basis for GSA appropriation estimates.

**§ 101–19.403–1 General conditions.**

Services and facilities made available to the agencies are subject to the following:

(a) General purpose space and related services will be provided without cost to the tenant agencies occupying the buildings to the extent that current appropriations are adequate therefor.

(b) GSA financed services, as set forth herein, are generally provided for occupancy of the building during the usual business hours (one shift) of a 5-day workweek, unless arrangements are made otherwise pursuant to § 101–19.401–2(b). An exception to this standard is guard service which is provided as required by the need for normal protection of the facility.

(c) Where air-conditioning, fans, and water cooling units are not furnished by GSA, such equipment may be purchased, and accountability thereto retained by the tenant agency, when its appropriation is legally available, and if approved by GSA. Where approval is given for installation of agency-owned equipment, the agency shall reimburse GSA for installation, maintenance, and repair.

(d) Funds for public improvements normally are appropriated to GSA and an agency may not finance the cost thereof in the absence of an appropriation legally available for the purpose.

**§ 101–19.403–2 GSA financed services.**

Subject to the general conditions in § 101–19.403–1, the following services are provided by GSA without cost:

(a) Installing, removing, and relocating partitions, and the physical moving of furniture and of office equipment within and between buildings when such services are required as a result of moves ordered by GSA in the assignment, reassignment, and control of space.

(b) Rent for leased quarters.

(c) Cleaning, including window washing and floor maintenance.

(d) Electric current, water, and heat.

(e) Normal protection or guarding.

(f) Operation, maintenance, and repair of elevators and electric, heating, air-conditioning, ventilating, refrigeration, plumbing, and sewerage systems.

(g) Repair, betterment, alteration, and necessary building equipment in Government-owned buildings.

(h) Repairs to leased buildings and building equipment, including periodic painting.

(i) Maintenance of grounds, including approaches, sidewalks, and roads.

(j) The furnishing and maintenance of building equipment, such as directory and bulletin boards at the main entrances, clocks, door closers, water coolers, electric outlets for normal office use, door keys and changing locks except for security purposes, door title cards and holders, and window shades or venetian blinds.

(k) Refinishing of floors and laying of floor covering, such as linoleum or tile.

**§ 101–19.403–3 Reimbursable services.**

In accordance with the general conditions in § 101–19.403–1 no provision is made in the appropriation estimates of GSA for services set forth in this § 101–19.403–3. Consequently, agencies should arrange to have funds therefor provided in their appropriations and GSA will furnish such services on a reimbursable basis (see 38 Comp. Gen. 758). Expenses of providing services of the types described in paragraphs (a) and (c) through (i) in this section, may normally be reimbursed to GSA out of funds appropriated to tenant or occupant agencies without specific appropriation

language or legislative history authorizing or supporting such expenditures, except as may be required by the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12).

(a) Services which are over and above the GSA financed services prescribed in § 101–19.401–1, and which are performed for the convenience of and at the request of tenant agencies, such as the installation, removal, and relocation of partitions, electric outlets (subject to approval of Buildings Manager) the installation of annunciator and buzzer systems, and the moving of furniture and office equipment.

(b) Security guarding and protection of classified records and property, when specifically provided in an agency's appropriation.

(c) Installations, operation, and maintenance of burglar alarms and other automatic protective devices and systems for security protection due to the special nature of an agency's activities.

(d) Utilities for specialized installations, such as food storage, preparation, and serving in cafeterias and lunch stands (except authorized stands operated by the blind), printing, duplicating, photographic plants, laboratories, electronic computers, machine installations, and the like.

(e) Construction, installation, operation, maintenance, and repair of special equipment and space adjustments required in buildings as a result of such installations.

(f) Construction, installation, and maintenance of exhibits.

(g) Washing and polishing furniture and cleaning inside file cabinets, bookcases, desks, and other personal property.

(h) Space adjustments in buildings for scientific, laboratory, or for other specialized purposes, including installation of ventilating and temperature and humidity control equipment.

(i) Service of motion picture operators and other personnel required in the use of auditoriums and conference rooms.

### § 101–19.403–4 Newly constructed buildings.

The following services and equipment are provided by GSA without cost to prospective occupants of new buildings constructed out of funds appropriated to GSA, including buildings acquired by purchase-contract arrangements under the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356).

(a) Payment of principal, interests, and taxes under purchase-contract.

(b) The usual built-in and fixed building equipment, including courtroom equipment where applicable, and such miscellaneous items as directory and bulletin boards in public space, water coolers, wall fans, and venetian blinds.

(c) Moving and installation of existing special equipment, such as laboratory, clinical, and protection equipment.

(d) Moving of furniture, furnishings, and office equipment in use of temporary space or new buildings.

(e) Space for interim occupancy for agencies temporarily displaced to make way for construction.

(f) Special purpose requirements of prospective occupants will be financed in accordance with § 101–17.602(c).

### § 101–19.403–5 Furniture and furnishings.

Each agency, unless otherwise provided by statute, will be responsible for financing its furniture and furnishings requirements at all locations. In this connection, to the maximum extent practicable, requirements shall be met from excess stock including rehabilitated equipment, even though such items may not conform to present standards.

## PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE


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101–20.4901–81 Standard Form 81, Request for Space.
101–20.4901–111 Standard Form 111, Agency Space Report.
Standard Form 111A, Agency Space Summarization.
101–20.4902 GSA forms.
101–20.4902–144 GSA Form 144, Space Requirements.


AUTHORITY: The provisions of this Part 101–20 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–20.000 Scope of part.

This part prescribes the policies and procedures relative to the assignment and utilization of space in Government-owned and -leased buildings, or portions thereof, in the United States, Puerto Rico, and the Virgin Islands.

### § 101–20.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949 (63

Stat. 377, as amended); the Act of July 1, 1898 (40 U.S.C. 285); the Act of March 1, 1919 (40 U.S.C. 1); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.); Reorganization Plan No. 18 of 1950 (3 CFR; 40 U.S.C. 490 note); and E.O. No. 11035 of July 9, 1962 (27 F.R. 6519; 3 CFR).

**§ 101–20.002 Basic policy.**

(a) GSA will provide agencies with sufficient and adequate general purpose space to carry out their programs.

(b) In the provision of general purpose space, GSA will establish and maintain a balance between functional efficiency and customer agencies and economy in its use.

## Subpart 101–20.1—Assignment of Space

**§ 101–20.100 Scope of subpart.**

This subpart prescribes the responsibilities and procedures which are applicable to the assignment of space to Federal agencies and other entities entitled to occupy space in Government-owned and -leased buildings, or portions thereof.

**§ 101–20.101 Definition of terms.**

The following definitions in this section are established for terms used in this subpart.

**§ 101–20.101–1 Space assignment.**

"Space assignment" means an administrative action which authorizes the occupancy and use of building space, and land areas incidental thereto, by a Federal agency or other eligible entity.

**§ 101–20.101–2 General purpose space.**

"General purpose space" means space in buildings and land area incidental thereto, which, as determined by GSA, is suitable for use by several Federal agencies. The physical characteristics of the space may be of the office, storage, or special types, or any combination thereof. The following categories of space are specifically excluded from this definition:

(a) Space in any building located in a foreign country.

(b) Space in buildings which are located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airbase, proving ground, missile site, military academy or school, or any similar facility of the Department of Defense or U.S. Coast Guard, unless and to such an extent as a permit for its use by other agencies shall have been issued by the Secretary of Defense, or the Secretary of the Treasury, as appropriate, or their duly authorized representatives.

**§ 101–20.101–3 Special purpose space.**

"Special purpose space" means space found by the Administrator of General Services to be wholly or predominantly utilized for the special purposes of the agency to have custody thereof, and is not generally suitable for the use of other agencies; including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions. The types of space listed in § 101–18.106–1 have been found to be wholly or predominantly utilized for the special purposes of the agency named, and are not generally suitable for the uses of other agencies.

**§ 101–20.101–4 Government-owned Space.**

"Government-owned space" means space in buildings, and land incidental thereto, the title to which is vested in the United States Government.

**§ 101–20.101–5 Leased space.**

"Leased space" means space in buildings, and land incidental thereto, for which the Government has a right of occupancy by virtue of having acquired a leasehold interest.

**§ 101–20.101–6 Permit space.**

"Permit space" means space in buildings, and land incidental thereto, for which a right of occupancy has been granted by permit from another Federal agency.

**§ 101–20.102 Requests for space.**

Except as provided in § 101–20.102–2, Federal agencies shall satisfy their space needs by submitting a request in the proper form to the GSA regional office responsible for the geographic area in which the space is required.

**§ 101–20.102–1 Form of request.**

Space requests, except for space in proposed buildings included in the Public Buildings Construction Program, shall be submitted on Standard Form 81, Revised, request for space (see § 101–20.4901–81). Requests for space in buildings proposed for construction shall be submitted to GSA on GSA Form 144, Net Space Requirements for Future Federal Building Construction (See § 101–20.4902–144).

Standard Form 81 need not be filed by Federal agencies when the space desired or to be acquired is:

(a) General purpose space of 2,500 square feet or less falling within the geographical area where leasing authority has been delegated to the agency. (See § 101–18.106.)

(b) Special purpose space of 2,500 square feet or less irrespective of geographical location. (See § 101–18.107–2.)

(c) Commercial space acquired by lease by the Post Office Department for

postal purposes. (See § 101–18.106(c)(3).)

### § 101–20.102–3 Action when space is not available.

If no suitable Government-controlled space is available, GSA will so advise by the return of a signed copy of the Standard Form 81, showing thereon the action to be taken.

(a) When the agency has acquisition authority, or has been delegated such authority by the Administrator of General Services, it may thereupon proceed to acquire the requested space. The signed copy of the Standard Form 81 shall be attached to the leasing or related instrument made available to the General Accounting Office. Such clearances are extended on a fiscal year or part of a fiscal year basis, except in those cases where the acquiring activity uses longer term leasing authority.

(b) GSA may take necessary action to acquire space for agencies having acquisition authority when the latter so request by checking the appropriate block on Standard Form 81.

(c) GSA will take the necessary action to acquire the space for agencies having no acquisition authority.

### § 101–20.103 Procedures for assigning space.

### § 101–20.103–1 Assignment by GSA.

(a) GSA will perform all functions with respect to the assignment and reassignment of space:

(1) In Government-owned buildings which GSA controlled for assignment and reassignment purposes on June 30, 1950.

(2) In specific Government-owned buildings for which assignment and reassignment functions were transferred to GSA pursuant to section 1 of Reorganization Plan No. 18 of 1950 (3 CFR; 40 U.S.C. 490 note).

(3) In Government-owned buildings or space acquired by GSA by purchase, condemnation, transfer, lease, or otherwise.

(b) GSA may, in accordance with policies and directives prescribed by the President, including E.O. No. 11035 of July 9, 1962 (27 F.R. 6519; 3 CFR), under sec. 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), and after consultation with the agencies affected, assign and reassign space of any executive agencies after determining that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

### § 101–20.103–2 Assignment by agencies.

Except for the space covered by § 101–20.103–1(a), and subject to the provisions of § 101–20.103–1(b), agencies may perform all functions with respect to the assignment and reassignment of space. The Administrator of General Services may, in specific cases, authorize executive agencies to perform any of the functions described in § 101–20.103–1(a).

## Subpart 101–20.2—Utilization of Space

### § 101–20.200 Scope of subpart.

This subpart prescribes the principles and objectives of GSA in regard to the full and efficient utilization of Government-owned and -leased space. The efficient utilization of space is closely related to the assignment functions of GSA, and therefore, this subpart shall be considered in the light of the policies and procedures in Subpart 101–20.1, Assignment of Space.

### § 101–20.201 Definition of terms.

The following definitions in this § 101–20.201 are established for terms used in this subpart.

### § 101–20.201–1 Space utilization.

"Space utilization" means the degree and manner in which Government-owned and -leased facilities are occupied.

### § 101–20.201–2 Space inspection.

"Space inspection" means a reconnaissance-type evaluation of the manner in which space assignments are being utilized to determine if immediate, or scheduled, corrective action is indicated.

### § 101–20.201–3 Space utilization survey.

"Space utilization survey" means a detailed analysis, using recognized space management procedures and techniques, of the manner in which an agency is utilizing its space.

### § 101–20.202 Responsibility of GSA.

(a) GSA will assign agencies sufficient space to carry out their programs, provided that the need for such space is justified to the satisfaction of GSA.

(b) GSA will conduct space inspections and space utilization surveys to promote and enforce efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of GSA as being required. Adequate advance notice of the planned survey will be given to the agency concerned.

### § 101–20.202–1 Conduct of space inspections.

GSA will plan space inspections at periodic intervals on a community, building, or agency basis as appropriate. Inspections will be made in an orderly manner, on the basis of a floor-by-floor and room-by-room check of all assigned space. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency, and those which are planned by GSA.

### § 101–20.202–2 Conduct of space utilization surveys.

Space utilization surveys are made to ascertain if a current assignment can be made more efficient and economical. These may be scheduled as a result of a request for space, an action to improve utilization, an assignment action requiring a relocation of an activity, or result from a space inspection. Agencies will be kept informed of space utilization surveys and actions related thereto by the appropriate GSA regional office listed in § 101–20.4801.

### § 101–20.203 Responsibility of agencies.

It is the responsibility of the agencies to assist and cooperate with GSA in the assignment and utilization of space, including the furnishing of data relative to the use of the space occupied, and personnel housed or to be housed. It is the further responsibility of the agencies continuously to study and survey space occupied under assignment by GSA and other space which is controlled by the agencies, to insure efficient and economical space utilization. It is also the responsibility of those agencies which control space to report to GSA any space which is excess to their needs and which might be assigned to other agencies.

### § 101–20.204 Release of space not fully utilized.

The space utilization program is designed to effect maximum efficient utilization of Government-owned and -leased space. Space for which there is no current foreseeable need will be relinquished.

## Subpart 101–20.3—Space Standards, Criteria, and Guidelines

### § 101–20.300 Scope of subpart.

This subpart identifies those factors affecting office layout which must be considered in connection with achieving more efficient layouts and better space utilization.

### § 101–20.301 Definition of terms.

The following definitions in this § 101–20.301 are established for terms used in this subpart.

### § 101–20.301–1 Occupancy guides.

"Occupancy guides" means printed guidelines which outline the space requirements based on the functions, operations, and staffing of the particular agency for which they are developed.

### § 101–20.301–2 Private office.

"Private office" means a room occupied by one individual; this includes rooms enclosed by either ceiling-high or bank-type partitions.

### § 101–20.301–3 Work station.

"Work station" means the area, furniture, equipment, and configuration required for one worker.

### § 101–20.301–4 File space.

"File space" means an area used either predominantly or exclusively for filing operations.

### § 101–20.302 Space allowances.

Space allowances are derived from specific studies of the operations of the agencies, and are directed toward providing each employee with enough space to work efficiently.

### § 101–20.303 Use of occupancy guides.

The objectives of the occupancy guide program are to improve agency operations and promote economic and prudent utilization of federally owned and leased space through the development and application of occupancy standards and criteria for specific agencies and activities. Each occupancy guide represents an agreement between GSA and the agency as to the latter's space requirements and is written in terms which permit nationwide application. Occupancy guides will be used as the basis of authorization and layout of agency space.

### § 101–20.304 [Reserved]

### § 101–20.305 Interim space allowances.

(a) The interim space allowances listed in § 101–20.305–1 are to be used in office space planning for all agencies or components thereof, for which occupancy guides have not been published. In addition, these allowances are applicable for all agency headquarters activities. The application of these space allowances is canceled immediately upon publication of the appropriate occupancy guide.

(b) Allowances listed in § 101–20.305–1 shall not be used as criteria for assigning space to individuals or even to small units of an office. Rather, they are to be used to evaluate the total amount of space required for specific agency locations.

### § 101–20.305–1 List of interim space allowances.

| Grade | Type of assignment | Office space allowance (sq. ft. per person) [1] |
|---|---|---|
| GS 1–6 | | 60 |
| GS 7–11 | Supervisory | 100 |
| GS 7–11 | Nonsupervisory | 75 |
| GS 12–13 | Supervisory | 150 |
| GS 12–13 | Nonsupervisory | 100 |
| GS 14–15 | Supervisory | 250 |
| GS 14–15 | Nonsupervisory | 150 |
| GS–16–18 | | 300 |

[1] Head of agency and deputy (not prescribed).

### § 101–20.306 Allowance for private offices.

Private offices should be provided only when there is a demonstrated functional need; and then they should be only large enough for the occupant to conduct his normal business in an efficient manner and with a reasonable degree of dignity. The normal maximum allowance for private offices is 300 square feet, but this should be approached only in cases where it is necessary for the occupant to confer frequently with sizeable groups of people, and a conference room is not convenient.

### § 101–20.307 Allowance for work stations.

The work station concept is an office layout technique which identifies those items of furniture and equipment actually required for the proper performance of an employee's duties, and arranges them in a manner intended to stimulate efficient work processing. Space allowances for individual work stations generally range in area from 42 square feet to 100 square feet, depending on the specific furniture and equipment requirements of the position. Proper positioning of work stations will result in increased efficiency and economy of operation.

### § 101–20.308 Allowance for file space.

In any space layout, consideration should be given to records storage, and a determination made as to whether the files are active or inactive. (An inactive file is one in which reference service is not more frequent than one reference per file drawer per month.) Inactive files should be removed from expensive office space and transferred to a Federal Records Center for temporary storage and ready reference, or to nonoffice space. Study should be made of the need for and use of filing equipment to insure that all drawers are used for files only, and are at least three-fourths full. Office supplies, etc., should not be stored in filing equipment.

## Subpart 101–20.4—Space Planning and Layout

### § 101–20.400 Scope of subpart.

This subpart outlines the methods used in the planning and layout of space assignments and prescribes the conditions governing GSA—agency coordination.

### § 101–20.401 Definition of terms.

The following definitions in this § 101–20.401 are established for terms used in this subpart.

### § 101–20.401–1 Space planning.

"Space planning" means a study which results in placing agency operations according to geographic location, position within a building, and space layout of furniture, on a scientific basis.

### § 101–20.401–2 Space layout.

"Space layout" means the specific placement of work stations, furniture, and equipment, to provide maximum efficiency of an agency operation. This is normally accomplished by the use of templates.

### § 101–20.402 Space planning assistance.

When in the discharge of its responsibility for efficient use of space an agency requires space layout assistance, a request for such assistance should be made to the regional office of GSA responsible for the geographical area in which the space is located. In consultation with the agency, GSA will determine the scope of assistance required and will provide such service either by use of existing staff or by contract.

### § 101–20.403 [Reserved]

### § 101–20.404 Use of contractual services for space planning.

No Federal agency shall, without the written approval of GSA, enter into a contract for interior office design or space layout, with any non-Federal firm or individual. When it is determined that a contract is required, GSA, with the advice of the agency, will enter into the contract and supervise the contractor's performance. The contract will be completely reimbursable by the requesting agency.

## Subpart 101–20.5—Providing Space in New Public Buildings

### § 101–20.500 Scope of subpart.

This subpart prescribes the procedures and objectives governing space planning for new public buildings.

### § 101–20.501 General.

Modern space layout principles, which contribute to good space management and operational efficiency, are particularly appropriate in the case of new buildings. Full coordination, strict observance of the design schedule, and followup action are required to insure maximum return to the Government in terms of efficiency and economy.

### § 101–20.502 Responsibility of GSA.

GSA will be responsible for the space planning and layout in all new buildings. The regional office of GSA will forward layout plans to the tenant agencies for review and coordination and, at the same time, notify the agencies of the date beyond which design changes cannot be accepted.

### § 101–20.503 Responsibility of agencies.

Agencies are responsible for making their needs known to GSA on a timely basis; providing cooperation and assistance if required, in the preparation of space layouts; and requesting necessary changes prior to the design cutoff date. (See also § 101–17.204.)

### §101–20.504 Postoccupancy evaluation.

GSA will conduct a postoccupancy evaluation of major new buildings approximately six months after the date of occupancy. This evaluation, which will take the form of space inspections or space utilization surveys as described in Subpart 101–20.2, Utilization of Space, will be conducted to promote space economy.

## Subparts 101–20.6—101–20.8 [Reserved]

### Subpart 101–20.9—Space Reports

**§ 101–20.900 Scope of subpart.**

This subpart prescribes the preparation and submission of reports of space use and requirements.

**§ 101–20.901 Report of space use Washington, D.C., Metropolitan Area.**

(a) Each Federal agency shall report formally to the General Services Administration, Region 3, Public Buildings Service, Washington, D.C., 20407, the use being made of space occupied by the agency in the Washington, D.C., Metropolitan Area.

(b) For the purposes of this § 101–20.901, the Washington, D.C., Metropolitan Area includes:

(1) The District of Columbia.

(2) In Maryland: Montgomery and Prince Georges Counties.

(3) In Virginia: Arlington and Fairfax Counties; the cities of Alexandria, Fairfax, and Falls Church.

(c) Reports shall be prepared as of the end of each calendar quarter certifying to the space occupied by the agency.

(d) Reports shall be prepared on Standard Form 111, Agency Space Report, and Standard Form 111A, Agency Space Summarization. (Forms are illustrated in Subpart 101–20.4901–111.)

(e) Reports shall be submitted to reach GSA within ten days after the end of each calendar quarter ending in March, June, September, and December.

### Subparts 101–20.10—101–20.47 [Reserved]

### Subpart 101–20.48—GSA Regional Offices

**§ 101–20.4800 Scope of subpart.**

This subpart identifies the regional offices of GSA, describes the geographical areas of jurisdiction, and lists the office address.

**§ 101–20.4801 GSA regional offices.**

| GSA region | Area served | Mailing address |
|---|---|---|
| 1 | Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. | General Services Administration, Post Office and Courthouse, Boston, Mass., 02109. |
| 2 | Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands. | General Services Administration, 30 Church St., New York, N.Y., 10007. |
| 3 | District of Columbia, Maryland, Virginia, and West Virginia. | General Services Administration, Region 3, Washington, D.C., 20407. |
| 4 | Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. | General Services Administration, 1776 Peachtree St. NW., Atlanta, Ga., 30309. |
| 5 | Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. | General Services Administration, 219 South Dearborn St., Chicago, Ill., 60604. |
| 6 | Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. | General Services Administration, 1500 East Bannister Rd., Kansas City, Mo., 64131. |
| 7 | Arkansas, Louisiana, Oklahoma, and Texas | General Services Administration, 1114 Commerce St., Dallas, Tex., 75202. |
| 8 | Arizona, Colorado, New Mexico, Utah, and Wyoming. | General Services Administration, Building 41, Denver Federal Center, Denver, Colo., 80225. |
| 9 | California, Hawaii, and Nevada | General Services Administration, 49 Fourth St., San Francisco, Calif., 94103. |
| 10 | Alaska, Idaho, Montana, Oregon, and Washington | General Services Administration, GSA Center, Auburn, Wash., 98002. |

### Subpart 101–20.49—Forms

**§ 101–20.4900 Scope of subpart.**

This subpart contains information on forms that pertain to the assignment and utilization of space and instructions in their use.

**§ 101–20.4901 Standard forms.**

All forms referenced to this § 101–20.4901 are Government standard forms. The subsection numbers in this section correspond with the standard form numbers.

**§ 101–20.4901–81 Standard Form 81, Request for Space.**

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

**§ 101–20.4901–111 Standard Form 111, Agency Space Report.**

(a) Standard Form 111, Agency Space Report.

(b) Standard Form 111A, Agency Space Summarization.

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

**§ 101–20.4902 GSA forms.**

All forms referenced to this § 101–20.4902 are forms developed by GSA to provide for uniform transmission of data or information internally but which may be prescribed for tenant agency use when dealing with GSA. The subsection numbers in this section correspond with the GSA form numbers.

**§ 101–20.4902–144 GSA Form 144, Space Requirements.**

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

## SUBCHAPTER E—SUPPLY AND PROCUREMENT

## PART 101–25—GENERAL

### Subpart 101–25.2—Interagency Purchase Assignments


| Sec. | |
|---|---|
| 101–25.201 | General. |
| 101–25.202 | Factors to be used to determine assignment of purchase responsibility. |
| 101–25.203 | Centralized purchases by GSA. |
| 101–25.204 | Centralized purchases by designated executive agencies under authority delegated by the Administrator of General Services. |
| 101–25.205 | Arrangement for performance of purchasing functions other than centralized. |
| 101–25.206 | Independent purchases by executive agencies. |


### Subpart 101–25.3—Use Standards


| | |
|---|---|
| 101–25.301 | General. |
| 101–25.302 | Office furniture, furnishings, and equipment. |
| 101–25.302–1 | Executive type office furniture and furnishings. |
| 101–25.302–2 | Filing cabinets. |
| 101–25.302–3 | Electric typewriters. |
| 101–25.302–4 | Portable computing machines. |
| 101–25.303 | Gasoline for use in motor vehicles. |


### Subpart 101–25.4—Replacement Standards


| | |
|---|---|
| 101–25.401 | General. |
| 101–25.402 | Motor vehicles. |
| 101–25.403 | Typewriters. |
| 101–25.404 | Furniture. |
| 101–25.405 | Materials handling equipment. |


### Subparts 101–25.5—101–25.47 [Reserved]

### Subpart 101–25.48—Reports


| | |
|---|---|
| 101–25.4800 | Scope of subpart. |
| 101–25.4801 | Supply Activity Report. |


### Subpart 101–25.49—Illustration of Forms


| | |
|---|---|
| 101–25.4900 | Scope of subpart. |
| 101–25.4901 | [Reserved] |
| 101–25.4902 | GSA forms. |
| 101–25.4902–1473 | GSA Form 1473: Supply Activity Report. |


AUTHORITY: The provisions of this Part 101–25 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## Subpart 101–25.1—General Policies

### § 101–25.102 Exchange or sale of personal property for replacement purposes.

Policies and methods governing executive agencies in exercising the authority granted under section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(c)), are prescribed in Part 101–43.

### § 101–25.103 Trading stamps.

Policy relative to trading stamps received in connection with Government purchases is prescribed in Part 101–43.

## Subpart 101–25.2—Interagency Purchase Assignments

### § 101–25.201 General.

(a) This subpart prescribes the basic policy for interagency purchase assignments within the executive branch of the Government. It is directly applicable to excutive agencies and concerns other Federal agencies in their purchasing from, through, or under contracts made by executive agencies.

(b) The term "purchase assignment" as used in this subpart shall normally be considered to include performance of the following functions:

(1) Arranging with requiring agencies for phased submission of requirements and procurement requisitions.

(2) Soliciting and analyzing bids and negotiating, awarding, and executing contracts.

(3) General contract administration.

(4) Arranging for inspection and delivery.

(5) Promotion of a maximum practicable degree of standardization in specifications and establishment of Federal Specifications, when possible, in accordance with applicable regulations.

(c) Notice of purchase assignments and applicable delegations of authority made under the provisions of this Subpart 101–25.2, shall be furnished to the General Accounting Office by GSA.

### § 101–25.202 Factors to be used to determine assignment of purchase responsibility.

With their consent or upon direction of the President, executive agencies will be designated and authorized by the Administrator of General Services exclusively, or with specified limited exceptions, to make purchases and contracts on a continuing basis for items or item groups of articles and services for the executive branch of the Government, after due consideration of the following factors, weighted as appropriate:

(a) Current or potential predominant use or consumption by a given agency.

(b) Availability of funds to carry out the assignment on a Government-wide basis or with limited exceptions.

(c) Specialized personnel, or the nucleus of such personnel, regularly employed by the agency, such as scientific, research, and operating technicians, especially qualified or experienced in specification writing, buying, inspecting, testing, using, installing, or operating a particular item or group of items.

(d) Custodianship and operation of special facilities such as research and testing laboratories and inspection or testing stations and devices.

(e) Actual or potential qualifications and experience of agency purchasing and contracting officials and their operating units with due regard to adequacy of staff.

(f) Past experience of the agency in performing services to other agencies on an informal or joint cooperative basis.

(g) Relations of the agency with the industry involved.

(h) Physical proximity of the agency purchasing office or offices to the requirement-compiling elements of the principal using agencies.

(i) Physical location of the agency purchasing office or offices in relation to market areas.

(j) Physical proximity of the agency purchasing offices in relation to engineering or design offices, in the interest of speed in processing modifications in design and specifications, and also reviewing bids for specifications compliance.

(k) Relative interest of agency heads in receiving the purchase assignment and specific requests of agency heads to do the buying of a given item or group of items on a Government-wide basis.

### § 101–25.203 Centralized purchases by GSA.

GSA will exclusively, or with specified limited exceptions, make purchases and contracts on a continuing basis for articles and services for the executive branch of the Government in the interest of lower prices, improved quality, and service or standardization when:

(a) The item or item groups of articles and services are items of "common-use" which are defined as items of standard commercial production or items covered by Federal Specifications commonly used by both civilian and military activities, or by two or more civilian activities, and not requiring such substantial alterations to adapt them to military or other particular application as to render inclusion in a centralized purchasing program impracticable; or

(b) A number of agencies, representing the majority users according to dollar volume, request GSA to make purchases

and contracts exclusively for a given item or item groups of articles and services even though not "common-use" items as defined in § 101–25.203(a); and

(c) GSA is best equipped to do the buying based upon the factors listed in § 101–25.202, or must of necessity act as the central purchasing office when other agencies more appropriately suited to make central purchases do not do so and are not so directed by the President; and

(d) The head of another executive agency has not been delegated authority by the Administrator of General Services exclusively, or with specified limited exceptions, to make purchases and contracts for prescribed items or item groups of articles and services for the executive branch of the Government in accordance with §§ 101–25.202 and 101–25.204.

(e) GSA has issued appropriate regulations, or a Federal Supply Schedule, specifically designating the item or item groups of articles or services that fall within (a), (b), and (c) of this § 101–25.203 that are thereafter to be purchased exclusively for all executive agencies, or with specified limited exceptions, by GSA.

### § 101–25.204 Centralized purchases by designated executive agencies under authority delegated by the Administrator of General Services.

Designated executive agencies will exclusively, or with specified limited exceptions, make purchases and contracts on a continuing basis for items or item groups of articles and services for the executive branch of the Government in the interest of lower prices, improved quality, and service or standardization when:

(a) The Administrator of General Services has determined, based upon the factors listed in § 101–25.202, that a selected executive agency is best equipped to perform certain purchasing and contracting functions, and the Administrator of General Services has issued appropriate regulations designating the categories of articles or services complying with (a), (b), and (c) of § 101–25.203 that are to be purchased exclusively by the named executive agency under authority delegated by the Administrator of General Services; and

(b) The head of the designated executive agency has issued appropriate instructions, or a Federal Supply Schedule, under authority as delegated by and in the form approved by the Administrator, specifically designating the item or item groups of articles or services that are thereafter to be purchased exclusively for all executive agencies, or with specified limited exceptions, by the designated executive agency.

### § 101–25.205 Arrangement for performance of purchasing functions other than centralized.

(a) Upon request, GSA will make purchases and contracts for any of the items or item groups of articles or services authorized to be purchased independently by executive agencies. GSA will also arrange, on a basis mutually agreeable, with any executive agency to perform its purchase and contracting functions on a continuing basis, if requested in writing to do so by the agency head, provided the arrangements agreed upon will result in lowered cost or improved service either to the individual agency or to the Government as a whole.

(b) In those instances where lowered cost or improved service, either to an individual agency or to the Government as a whole will result, GSA will arrange, on a basis mutually agreeable to the agencies involved, to assign all or a portion of the purchase and contracting functions of one executive agency to another executive agency on a continuing basis.

### § 101–25.206 Independent purchases by executive agencies.

Items or groups of items of articles or services may be purchased independently by executive agencies, in accordance with regulations of GSA otherwise applicable, when:

(a) Not otherwise prescribed in current regulations, or included in mandatory Federal Supply Schedules, issued by GSA or by another executive agency designated by the Administrator of General Services.

(b) For emergency requirements when time does not permit purchasing through the authorized central purchasing agency. A record shall be maintained of such transactions and be made available to the responsible central purchasing agency upon request.

(c) By consultation between GSA and agencies concerned, it is determined that interagency purchase assignment would adversely affect the national security or military operations.

(d) The purchases cannot be publicly disclosed in the interest of national security.

## Subpart 101–25.3—Use Standards

### § 101–25.301 General.

(a) This subpart prescribes minimum use standards for certain Government-owned personal property which shall be applied by all executive agencies. Additional criteria above these minimum standards should be established by each executive agency, limiting its property to the minimum requirements necessary for the efficient functioning of the particular office concerned.

(b) Additional use standards should be established by all executive agencies for other Government-owned property under their control whenever use standards will effect economy and efficiency in the use of such property.

(c) All items of property, determined to be excess to the needs of an agency as a result of the application of use standards, shall be promptly reported in accordance with Part 101–43.

### § 101–25.302 Office furniture, furnishings, and equipment.

(a) Each executive agency shall establish criteria for the use of office furniture, furnishings, and equipment. Such criteria shall be limited to the minimum requirements as established by the agency head for authorized functions and programs which will, beyond a reasonable doubt, be in operation within the following six months.

(b) In developing such criteria, a distinction shall be made between the requirements of organizational elements concerned with purely administrative functions, and those of a technical, scientific, or specialized nature.

(c) Items of office equipment, used only occasionally, should be pooled within an agency and made available to activities of the agency when and as necessary.

### § 101–25.302–1 Executive type office furniture and furnishings.

(a) The use of executive type office furniture and furnishings shall be limited to personnel in Grade GS–15 and above, or the equivalent thereto. Executive type office furniture and furnishings includes, but is not limited to, desks, tables, telephone stands and cabinets, wardrobes, bookcases, costumers, fully upholstered chairs and davenports, lamps, smoking stands, desk trays, receptacles, and rugs. Executive type office furniture and furnishings are:

(1) Those items covered by Federal Supply Schedule, Executive Type Office Furniture, or by Federal Standards and Specifications which have "executive type" in their titles.

(2) Those items generally known to or considered by the trade as the "executive line" of office furniture and furnishings.

(3) Those items of furniture which cost, new, 60 percent more than the standard common-use items generally used in the Government.

(b) The standard prescribed by this § 101–25.302–1 shall not apply to unitized or built-in furniture in an installation. In instances where lack of space is a problem, the use of unitized furniture, including conference desks, is more economical and is recommended as a substitute for executive type office furniture.

(c) In cases where executive type furniture actually in use cannot be replaced by other types within an agency, or where other circumstances require special consideration, exceptions to this limitation in the use of executive type furniture and furnishings may be granted under criteria established by the head of the agency.

### § 101–25.302–2 Filing cabinets.

Executive agencies shall make every effort to effect maximum use of filing cabinets and to limit the purchase of new equipment. Filing cabinets should be replaced only in accordance with the standards in Subpart 101–25.4. Maximum utilization of equipment should be obtained by:

(a) Disposing of all records that have been authorized for disposition by the Congress or, where such authorization has not been obtained, through the preparation and obtaining of authorized disposal schedules with the assistance of the National Archives and Records Service of GSA.

(b) Removing office supplies, publications, and other nonrecord material from filing cabinets to more suitable storage equipment, except where the quantity of such material is small (as a rule, less than half a cabinet).

(c) Transferring to Federal Records Centers or approved agency records centers (to the extent that facilities are made available) inactive records not needed in daily business but not yet ready for disposal, when filing equipment can be released by such action.

(d) Shifting less active files, not transferable to approved records centers, to wood cabinets or transfer cases when available, using steel filing cabinets only when files are constantly used.

(e) Using filing cabinets with locks only when required by special needs that cannot be satisfied less expensively.

(f) Using letter-size filing cabinets instead of legal-size whenever possible.

(g) Using 5-drawer filing cabinets whenever available in lieu of 4-drawer cabinets.

### § 101–25.302–3 Electric typewriters.

(a) Each agency shall restrict the use of each electric typewriter to a typing station, which is an assigned post filled by an experienced operator for the purpose of preparing typewritten material, where one or more of the following standards are met:

(1) The typing time averages four hours or more of routine typing per machine daily.

(2) The typing time averages two hours or more per machine daily in the preparation of one or more of the following:

(i) Forms requiring an original and five or more carbons, or correspondence requiring an original and seven or more carbons.

(ii) Reproduction copy, such as photo masters and stencils.

(iii) Statistics and reports requiring decimal tabulation.

(3) The machine is used in the preparation of copy for printing. The assignment of proportional spacing machines shall be limited to this use, unless otherwise specifically justified under paragraph (b) of this section.

(4) The machine is used by the physically handicapped.

(b) Exceptions to the above criteria may be granted upon written justification approved by the head of the agency or his authorized representative and made a part of the purchase file.

### § 101–25.302–4 Portable computing machines.

Standards for the use of portable computing machines shall be established by each agency, using as a base the minimum standards prescribed in this § 101–25.302–4. Portable computing machines include adding machines, calculators, and comptometers, manually or electrically operated, listing or nonlisting, but do not include posting or accounting machines.

(a) When the need for a machine has been determined, the following standards shall be used in determining the type of machine to be acquired:

(1) Manual machines should be used where electric current is not conveniently available or portability is required, where reasonable protection is desired against emergency shutdown (for example, in the event of continued power failures or civil defense dispersal), or where limited requirement does not warrant electric machines. Electric machines should be used in all other instances.

(2) Listing machines should be used where it is definitely determined that a printed result is necessary to the operation.

(3) Calculators or comptometers shall be used where the operation to be performed contains a volume of work which is impractical of accomplishment by the use of slide rules, computation tables, or adding and subtracting machines.

(b) Features required in a machine for a particular operation should be determined in advance and makes and models of machines having such features should be evaluated carefully with a view to the selection of the machine which will result in the lowest overall cost to the Government.

### § 101–25.303 Gasoline for use in motor vehicles.

(a) Each agency shall, except as provided in § 101–25.303(b), use regular grade gasoline in the operation of its motor vehicles, the majority of which have engines designed to render unimpaired performance with use of regular grade gasoline.

(b) The use of premium grade gasoline shall be restricted to:

(1) Vehicles whose engines are specifically designed for and require a higher octane fuel than regular grade

gasolines (manufacturers' printed specifications or operating instructions shall be the determining factor for such use).

(2) Unusual operating conditions, such as a vehicle passing from a zone of very high altitude to one of very low altitude in the course of routine operation, or in operation requiring high torque at low speed and elevated air temperature.

(3) Special services where accelerated pickup or sustained speed is required, such as law enforcement, firefighting, and emergency vehicles.

(4) Specific situations where regular grade gasoline is unobtainable.

## Subpart 101–25.4—Replacement Standards

### § 101–25.401 General.

This subpart prescribes minimum replacement standards to be used by executive agencies desiring to replace specified types of items indicated in this subpart. Executive agencies shall retain items which are in usable and workable conditions even though the standard permits replacement, provided the item can continue to be used or operated without excessive maintenance cost or substantial reduction in trade-in value.

### § 101–25.402 Motor vehicles.

If a motor vehicle has been wrecked or damaged (including wear caused by abnormal operating conditions) beyond economical repair, such unit may be replaced without regard to the standards in this § 101–25.402 after certification to that effect by the head of the agency or his designee. The standards prescribed in this § 101–25.402 are not applicable to the Department of Defense.

(a) Passenger cars and station wagons may be replaced when they have been operated for six years or 60,000 miles, whichever occurs first.

(b) Ambulances may be replaced when they have been operated for seven years or 60,000 miles, whichever occurs first.

(c) Buses for 11 or more passengers may be replaced when they have been operated for eight years. Without regard to years of use, such buses may be replaced when they have been operated the following number of miles:

| | *Miles* |
|---|---|
| Intercity-type bus | 280,000 |
| City-type bus | 150,000 |
| School-type bus | 80,000 |

(d) Multiple-drive (4- or 6-wheel drive) truck-chassis combination personnel and property carrying motor vehicles may be replaced when they have been operated for six years or 40,000 miles, whichever occurs first.

(e) Motor trucks provided with pickup or express, panel or sedan-delivery, carryall, van, open van, platform, stake, rack, dump, truck-tractor, or tank bodies may be replaced in accordance with the following table of years or mileage operation, whichever occurs first:

| Maximum GVW pounds | Total years | Total miles | Pay load rating |
|---|---|---|---|
| Less than 12,500 | 6 | 50,000 | 1 ton and less. |
| 12,500 through 16,999 | 7 | 60,000 | 1½ through 2½ tons. |
| 17,000 and over | 9 | 80,000 | 3 tons and over. |

(f) Where a bureau or comparable organizational unit owns eight or more vehicles in any one of the following classes, not more than 25 percent of the vehicles in such class may be replaced in any one fiscal year. Where the total number of vehicles in any one class is less than eight, not more than two of such vehicles may be replaced in any fiscal year. However, all vehicles to be replaced shall meet the age or mileage replacement standards contained in this § 101–25.402.

(1) Automobiles (sedans, coupes, etc.).

(2) All other passenger-carrying vehicles (station wagons, ambulances, buses).

(3) All trucks and truck tractors.

### § 101–25.403 Typewriters.

(a) Replacement of a typewriter shall not be made unless the estimated cost of necessary repairs or reconditioning of each typewriter being replaced equals or exceeds, at lowest available rates, the percentage of replacement cost in lieu of repair or reconditioning, based on the year after year of manufacture as shown by the manufacturer's serial number. This is shown in the following percentage scale.

| Year: | *Percentage of replacement cost* |
|---|---|
| Second | 80 |
| Third | 80 |
| Fourth | 80 |
| Fifth | 70 |
| Sixth | 70 |
| Seventh | 60 |
| Eighth | 50 |
| Ninth | 40 |
| Tenth | 30 |
| Eleventh | 20 |
| Twelfth | 10 |

(b) An example of the application of the "Standard Replacement Cost Percentage Scale" to a typewriter costing $109 is as follows:

| Year | Assumed trade-in or sale value | Replacement cost | Estimated repair cost justifying replacement |
|---|---|---|---|
| Second | $50.00 | $59.00 | $47.20 |
| Third | 50.00 | 59.00 | 47.20 |
| Fourth | 50.00 | 59.00 | 47.20 |
| Fifth | 45.00 | 64.00 | 44.80 |
| Sixth | 45.00 | 64.00 | 44.80 |
| Seventh | 45.00 | 64.00 | 38.40 |
| Eighth | 45.00 | 64.00 | 32.00 |
| Ninth | 40.00 | 69.00 | 27.60 |
| Tenth | 37.50 | 71.50 | 21.45 |
| Eleventh | 37.50 | 71.50 | 14.30 |
| Twelfth | 30.00 | 79.00 | 7.90 |

(c) When unusual circumstances justify replacement of a typewriter at a date earlier than would be permitted by application of the "Standard Replacement Cost Percentage Scale," a written justification for such replacement shall be prepared by the head of the executive agency or his designated representative, and the replacement of the typewriter may be made. The justification shall be retained as a part of the requisitioning file of the agency.

### § 101–25.404 Furniture.

(a) Items of office furniture, household and quarters furniture, and hospital and institutional type furniture, whether made of metal, wood, or other material, may be replaced by new items only when:

(1) It is determined that replacement is essential for the efficient and economical performance of the functions of the agency in accordance with the criteria established by the head of the agency concerned which may include such factors as extreme obsolescence, or use of built-in or unitized furniture to meet space problems.

(2) The estimated cost of necessary rehabilitation thereof at lowest available rates, including any transportation expense, equals or exceeds 55 percent of the current GSA Stores Stock Catalog price, the Federal Supply Schedule price, or current market price of new items of the same type and class.

(b) The 55 percent criterion prescribed in § 101–25.404(a)(2) is the minimum standard and may be exceeded when it is to the advantage of the Government to do so. Executive agencies may rehabilitate items of furniture subject to replacement under the standard when the rehabilitation improves the appearance and operation of the item and the life expectancy is extended for an additional period of time.

### § 101–25.405 Materials handling equipment.

(a) Except as provided in § 101–25.405 (b) and (c), materials handling equipment shall not be replaced unless the estimated cost of necessary one-time repair or reconditioning of each piece of equipment equals or exceeds, at lowest available rates, the percentage of replacement cost shown in column 3 of the following table. It is imperative that equipment which has exceeded its years of expected economical use be continued in service as long as it is in usable and workable condition and the one-time repair costs do not exceed the last percentages in column 3 of the table. When, due to extenuating circumstances, it is necessary to expend for repair a larger amount than allowable by the table, and if such major repair job increases the life expectancy of the equipment, the repair limits shown in the table need not be strictly adhered to for subsequent repairs of such equipment.

| Column 1 | Column 2 | Column 3 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Type of unit | Expected years of economical use | Maximum allowable one-time repair limits as percentage of replacement cost (Years in use) | | | | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| *Gasoline* | | | | | | | | | | | | | |
| Fork Truck (2000#–6000#) | 6 | 50 | 40 | 30 | 20 | 15 | 10 | ---- | ---- | ---- | ---- | ---- | ---- |
| Fork Truck (7500#–15000#) | 8 | 50 | 40 | 35 | 30 | 25 | 20 | 15 | 10 | ---- | ---- | ---- | ---- |
| Tractor | 6 | 50 | 40 | 30 | 20 | 15 | 10 | ---- | ---- | ---- | ---- | ---- | ---- |
| Crane | 10 | 50 | 50 | 45 | 45 | 40 | 35 | 30 | 20 | 15 | 10 | ---- | ---- |
| Platform Truck | 7 | 50 | 40 | 35 | 30 | 25 | 20 | 10 | ---- | ---- | ---- | ---- | ---- |
| Straddle Truck | 10 | 50 | 50 | 45 | 40 | 35 | 30 | 25 | 20 | 15 | 10 | ---- | ---- |
| *Electric* | | | | | | | | | | | | | |
| Fork Truck (2000#–6000#) | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Tractor | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Crane | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Platform | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Pallet Truck | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |

(1) Years in use shall be determined in accordance with the following:

(i) The number of operating months is obtained by using a month of 100 operating hours, plus 20 hours for time used in servicing, idling, etc., or 1.2. For example, 1,720 hours of operating use for a unit should be multiplied by 1.2 and the result divided by 100, which will give the number of operating months.

(ii) The number of operating years is determined by dividing the number of operating months by 12, except that where the equipment has been in storage, the months in storage should be calculated on the basis of a 30-day month and divided by 2. The result of the months in storage shall then be added to the months in operating use and divided by 12 to get the number of years in actual use.

(iii) The fractional result of years in use determined by this formula should be rounded to the nearest full year and applied to column 3 for determining the maximum repair limits. For example, 1.89 would be rounded to 2 years in use, or 1,39 would be rounded to 1 year in use.

(2) In using the maximum allowable one-time repair limits in column 3 of the table, all direct labor, parts, and materials are to be included in computing one-time repair costs.

(3) An example of the application of the maximum one-time repair limits as percentage of replacement cost to a fork truck, electric-powered, capacity 2,000 pounds, and costing $3,500, is as follows:

| Years in use: | *Estimated maximum one-time repair cost justifying replacement* |
|---|---|
| 1 | $1,750 |
| 2 | 1,750 |
| 3 | 1,575 |
| 4 | 1,575 |
| 5 | 1,400 |
| 6 | 1,400 |
| 7 | 1,225 |
| 8 | 1,050 |
| 9 | 850 |
| 10 | 700 |
| 11 | 525 |
| 12 | 350 |

(b) Replacement may also be considered when the cumulative repairs of a piece of equipment equals 100 percent of the replacement cost.

(c) Cost of replacement of batteries required for the operating of electric-powered trucks will not be included in cumulative repairs of equipment. Repairs costing less than $15 at one time will not be included in cumulative repair costs.

(d) When unusual circumstances justify the replacement of an item of materials handling equipment at a date earlier than would be permitted by application of the percentages in column 3 of the table, a written justification for such replacement shall be prepared by the head of the agency, or his designated representative, and the replacement of the equipment may be made. The justification shall be retained as a part of the purchase file of the agency.

## Subpart 101–25.48—Reports

### § 101–25.4800 Scope of subpart.

This subpart prescribes the requirements for reporting to GSA on matters pertaining to the general area of supply management.

### § 101–25.4801 Supply Activity Report.

(a) Executive agencies, except the Department of Defense, shall submit reports on GSA Form 1473, Supply Activity Report (see § 101–25.4902–1473 for illustration and instructions for preparation), for each fiscal year in an original and two copies. Reports shall be forwarded to General Services Administration, Federal Supply Service, Supply Management Services Division, Washington, D.C., 20405, not later than September 15.

(b) Copies of GSA Form 1473 may be obtained from General Services Administration Region 3, Printing and Publications Division, Washington, D.C., 20407.

(c) Submission of GSA Form 1473 is not required for the following:

(1) Stockpiles specifically authorized by statute.

(2) Raw materials and component parts stocked for incorporation into the end product of industrial operations and the end products of industrial operations. (Inventories of materials other than those for incorporation into the end product; that is, those used in the operation and maintenance of industrial plants, shall be reported.)

(3) Optional forms, agency forms, and publications, such as, manuals, pamphlets, and brochures. (Standard forms and blankbook stock shall be reported.)

(d) One set of reports shall be prepared to cover only supply activities located in the United States. Separate reports shall be prepared to cover supply activities in the possessions, trust territories, and the Canal Zone. Reports on foreign supply activities are not required. Each set of reports shall consist of separate reports for each agency, bureau, or comparable major subdivision. In addition, agencies operating warehouses or depots shall submit a separate report for each warehouse or depot.

(e) Copies of the individual supply point reports or equivalent information shall be kept available at some central point in the reporting agency for at least six months following submission of the report, for inspection as required by GSA representatives.

## Subpart 101–25.49—Illustrations of Forms

### § 101–25.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter in other subparts of Part 101–25. When applicable, this includes instructions for preparation of the forms illustrated.

### § 101–25.4901 [Reserved]

### § 101–25.4902 GSA forms.

The GSA forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

### § 101–25.4902–1473 GSA Form 1473, Supply Activity Report.

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

# PART 101–27—INVENTORY MANAGEMENT

Sec.
101–27.000 Scope of part.

Subpart 101–27.1—Stock Replenishment

101–27.101 General.
101–27.102 Economic order quantity principle.
101–27.102–1 Applicability.
101–27.102–2 Guidelines.
101–27.102–3 Limitations on use.
101–27.103 Acquisition of excess property.

AUTHORITY: The provisions of this Part 101–27 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–27.000 Scope of part.

This part provides policies, principles, and guidelines to be used in the management of Government-owned inventories of personal property.

## Subpart 101–27.1—Stock Replenishment

## § 101–27.101 General.

Each agency shall establish and maintain such control of personal property inventories as will assure that the total cost involved will be kept to the minimum consistent with program needs. For purposes of stock replenishment, inventories may be considered to be composed of active inventory which is that portion carried to satisfy average expected demand, and safety stock which is that portion carried for protection against stock depletion occurring when demand exceeds average expected demand, or when leadtime is greater than anticipated.

(a) In establishing active inventory levels, consideration shall be given to the average demand of individual items, space availability, procurement costs, inventory carrying costs, purchase prices, quantity discounts, transportation costs other pertinent costs, and statutory and budgetary limitations.

(b) In establishing safety stock levels, consideration shall be given to demand and leadtime fluctuations, essentiality of items, and the additional costs required to achieve additional availability.

## § 101–27.102 Economic order quantity principle.

## § 101–27.102–1 Applicability.

All executive agencies, except the Department of Defense, within the United States, excluding Alaska and Hawaii, shall replenish inventories of stock items having recurring demands, except items held at points of final use, in accordance with the economic order quantity (EOQ) principle.

## § 101–27.102–2 Guidelines.

The EOQ principle and its applications are described in the GSA Handbook, Economic Order Quantity (Federal Stock Number 7610–543–6765), available from General Services Administration, Region 3, Washington, D.C., 20407. In addition, guidelines for the development of appropriate implementation of the EOQ principle of stock replenishment, including detailed instructions for installation of EOQ procedures, are described in the GSA Handbook, Application of the EOQ Principle of Stock Replenishment, issued by the Commissioner, Federal Supply Service, GSA.

## § 101–27.102–3 Limitations on use.

(a) When there are no limiting factors which preclude its application, such as space or budgetary limitations, the basic EOQ technique, which reduces total variable costs of procurement and possession to a minimum, shall be used.

(b) When a space, personnel, or budgetary limitation precludes application of the basic EOQ technique, a modification of EOQ which produces the fewest possible replenishments for a given level of inventory investment, or the lowest possible level of inventory investment for a given number of replenishments, shall be used.

## § 101–27.103 Acquisition of excess property.

To encourage the use of excess property which might otherwise be disposed of as surplus, inventory levels may be adjusted upward when items of stock are to be acquired from excess sources. Such adjustments should be tempered by caution and arrived at after careful consideration. Generally, acquisitions of items for inventory from excess shall not exceed a 2-year supply except when:

(a) A greater quantity is needed to meet known requirements for an authorized planned program.

(b) The item is not available without special manufacture and a predictable requirement exists.

(c) Administrative determination has been made that in application of the EOQ principle of stock replenishment within an agency an inventory level in excess of two years is appropriate for low dollar-volume items.

(d) The items are being transferred into authorized stock funds for resale to other Government agencies.

# PART 101–28—STORAGE AND DISTRIBUTION


Sec.
101–28.000 Scope of part.

Subpart 101–28.1—General

101–28.100 Scope of subpart.
101–28.101 Uniform terminology.
101–28.101–1 Bay.
101–28.101–2 Bin storage area.
101–28.101–3 Bulk storage.
101–28.101–4 Bulk storage area.
101–28.101–5 Cross-servicing in storage activities.
101–28.101–6 Distribution points.
101–28.101–7 Dunnage.
101–28.101–8 Forklift truck.
101–28.101–9 Gross storage space.
101–28.101–10 Inventory.
101–28.101–11 Load length.
101–28.101–12 Locator system.
101–28.101–13 Materials handling equipment.
101–28.101–14 Pallet.
101–28.101–15 Pallet racks.
101–28.101–16 Pallet rack storage space.
101–28.101–17 Reserve points.
101–28.101–18 Section.
101–28.101–19 Space layout.
101–28.101–20 Storage.
101–28.101–21 Storage aids.
101–28.101–22 Storage space.

Subpart 101–28.2—Interagency Cross-Servicing in Storage Activities

Sec.
101–28.200 Scope of subpart.
101–28.201 Applicability.
101–28.202 GSA/DOD Cross-Servicing Agreement.
101–28.203 Definitions.
101–28.203–1 Government storage activity.
101–28.203–2 Case lot quantities.
101–28.203–3 Commodity classification.
101–28.203–4 Contact points.
101–28.204 Determining location of storage activities.
101–28.205 Requests for services.
101–28.206 Cancellation of cross-servicing arrangements.
101–28.207 Cross-servicing rates.
101–28.208 Reimbursement for services.


AUTHORITY: The provisions of this Part 101–28 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## Subpart 101–28.1—General

### § 101–28.100 Scope of subpart.

This subpart contains uniform terms to be used by executive agencies to describe warehouse areas, types of equipment and storage space, methods of storage, and other elements common to warehousing activities.

### § 101–28.101 Uniform terminology.

The terms set forth in this § 101–28.101 are designed to promote uniformity in describing warehousing activities and are to be used in the reporting, controlling, and evaluation of these activities.

### § 101–28.101–1 Bay.

"Bay" means a designated area within a section of a storage area, outlined by markings on columns, posts, or floor; normally, a specific area within a section such as 20′ by 20′ squares.

### § 101–28.101–2 Bin storage area.

"Bin storage area" means an area involving gross storage space where bins are consolidated and erected. Aisles and working areas utilized in connection with bin operations are part of the gross bin area.

### § 101–28.101–3 Bulk storage.

"Bulk storage" means the storage of supplies and equipment in large quantities, usually in original containers, as distinguished from bin storage. Also, storage of liquids such as petroleum products in tanks, as distinguished from drum or packaged storage.

### § 101–28.101–4 Bulk storage area.

"Bulk storage area" means that space available for the storage of bulk stock.

### § 101–28.101–5 Cross-servicing in storage activities.

"Cross-servicing in storage activities" means the providing by one Government agency of storage and warehousing services for another Government agency on a reimbursable basis. The agency operating the storage facility or activity will furnish all space, personnel, supplies, and equipment required for the receipt, storage, care, handling, and shipment of materials. It excludes those operations where one agency provides space on a permit or license basis for another agency to operate an activity.

### § 101–28.101–6 Distribution points.

"Distribution points" include depots, warehouses, or other warehousing activities having the mission for the receipt, storage, and issue of supplies normally for a given geographical area.

### § 101–28.101–7 Dunnage.

"Dunnage" means any material such as boards, planks, blocks, or metal bracing that is used in transportation and storage to support and secure supplies, to protect them from damage, or for convenience in handling.

### § 101–28.101–8 Forklift truck.

"Forklift truck" means a type of materials handling equipment which is designed to pick up, carry, and stack unit loads of materials.

### § 101–28.101–9 Gross storage space.

"Gross storage space" means a type of space is the gross area (regardless of its location or the purpose for which the space being used was designed or is designated) which is assigned or used for any operation concerning storage or the support of storage functions. (In covered space, the space between exterior walls without deduction for fire walls and structural losses, and in open improved space, the overall measurement with no deduction for trackage and permanent roads.) For management purposes, gross storage space is broken down into two main categories, defined as follows:

(a) "Support storage space" which means, gross storage space used in functions that directly support the storage operations, such as:

(1) "Assembly space": That gross storage space used for collecting and combining material components into kits, units, assemblies, etc.

(2) "Battery charging space": That gross storage space utilized as charging area for storage batteries of electric-powered materials handling equipment. It includes the area for parking equipment for battery charging purposes.

(3) "Office space": That space utilized as office space at storage activities by warehousing personnel for operations in direct support of storage functions.

(4) "Packing and crating space": That gross storage space utilized for packing or crating of material for shipment or storage.

(5) "Preservation and packaging space": That gross storage space utilized in processing, preservation, and packaging of materials and taking similar protective measures to prevent deterioration during storage or shipment.

(6) "Receiving space": That gross storage space within an authorized storage area which is designated as a work area for receipt of materials. Includes necessary space for inspection, identification, and consolidation of materials received when such activities are performed in the designated work area.

(7) "Shipping space": That gross storage space within an authorized storage area which is designated as a work area for shipment of materials. It includes any necessary space for inspection, identification, marking, and consolidation of materials when such activities are performed in the designated work area.

(8) "Other support space": That gross storage space utilized by other similar activities for the receipt, storage, and issue of materials, when such activities are performed by warehousing personnel, e.g., storage space for operating supplies, fumigation areas, etc.

(b) "Gross available storage space", which means gross storage space less the total amount of support storage space. Gross available storage space includes structural loss space, aisles, and net storage space, as follows:

(1) "Structural loss space": That gross storage space not usable for storage of materials because of construction features. Within covered storage areas, space used for toilets, posts, firewalls, elevator shafts, stair wells, ramps, steam pits, switch panels, loading walls (rail and truck), door clearances, etc., is considered structural loss space. Within improved open storage areas, space required for such additional items as firebreaks, streams, stream beds, railroad tracks, clearances maintained for utility lines, etc., is considered structural loss space.

(2) "Aisles": Any passageway within the storage area, and further defined as:

(i) "Cross aisle": A passageway at right angles to main aisles, used for the movement of supplies, equipment, and personnel.

(ii) "Fire aisle": A passageway established to aid in fighting or preventing the spread of fires, or for access to firefighting equipment.

(iii) "Main aisle": A passageway wide enough to permit the easy flow of equipment, supplies, and personnel; generally running lengthwise of the building.

(iv) "Personnel aisle": A passageway used only as pedestrian routes for access to doors or to special interior areas.

(v) "Service aisle": A passageway necessary to provide access to interiors of stacks for inventory, inspection, or for protective processing.

(3) "Net storage space": That portion of gross available storage space upon which material can actually be stored, including floor area upon which bins and pallet racks are erected.

### § 101–28.101–10 Inventory.

"Inventory" means the physical count of items located within a depot, warehouse, installation, or other warehousing activity. Types of inventories include:

(a) "Complete shut-down": The counting of all items located within a depot, warehouse, installation, or other warehousing activity as of a particular date. In accomplishing this type of inventory, all activity such as receiving and shipping (except emergency) is suspended during the actual counting period.

(b) "Cycle": The counting of total stocks by designated items on a progressive basis, over a predetermined space of time.

(c) "Special": The counting of items on a nonscheduled basis, or the counting of items for specific purposes.

### § 101–28.101–11 Load length.

"Load length" means the length of the load being handled by a forklift truck. It is measured from the heel of the forks to the front of the load.

### § 101–28.101–12 Locator system.

"Locator system" means a record which shows the exact location of supplies stored within a storage activity.

### § 101–28.101–13 Materials handling equipment.

"Materials handling equipment" means such items as forklift trucks, towing tractors, warehousing industrial cranes, straddle-carry trucks, pallet trucks, platform trucks, warehousing trailers, and conveyor systems, used in storage and handling operations.

### § 101–28.101–14 Pallet.

"Pallet" means a platform built to specified dimensions, on which supplies are loaded, transported, or stored in units, normally made of wood.

### § 101–28.101–15 Pallet rack.

"Pallet rack" means a storage aid which provides a support for pallets that are independent of lower loads. It is used where the material to be stored is not strong enough to support the superimposed load, is irregular in shape, is too small for bulk storage or too large for bin storage, or it is desirable to remove pallets from a lower tier without disturbing upper tiers. It may be constructed of metal or wood, and is usually erected to the maximum height of storage space or maximum lifting height of materials handling equipment utilized.

### § 101–28.101–16 Pallet rack storage space.

"Pallet rack storage space" means floor area occupied by pallet racks erected for the purpose of storing supplies.

### § 101–28.101–17 Reserve points.

"Reserve points" means depots, warehouses, installations, or other warehousing activities having the mission for receiving, storing, and issuing of reserve stocks of supplies and equipment.

### § 101–28.101–18 Section.

"Section" means an area in a warehouse extending from one wall to the next; usually the largest subdivision of one floor.

### § 101–28.101–19 Space layout.

"Space layout" means the detailed, planned arrangement of storage space for storage, aisles, and other necessary use.

### § 101–28.101–20 Storage.

"Storage" means the act of storing, the state of being stored, or keeping or placing of material in a warehouse, shed, or open area. Storage is the continuation of the receiving operations and is preliminary to the shipping operation.

### § 101–28.101–21 Storage aids.

"Storage aids" include devices, accessories, equipment, and materials used to facilitate the storage and handling of materials, and which are designed specifically to provide a means of storage which will permit the greatest utilization of storage space with a minimum of handling and the maximum of accessibility.

### § 101–28.101–22 Storage space.

"Storage space" means any covered or open area designated for storage operations. Various types of storage space include:

(a) "Bulk-liquid storage space": Area inside tanks designated for the storage of liquids in bulk.

(b) "Caged": Storage space segregated within an area and specially screened or barricaded to prevent pilferage or to otherwise isolate materials.

(c) "Covered": Storage area within any roofed structure that is being used for, or in support of, storage functions.

(d) "Controlled humidity": Area equipped with humidity controlling equipment.

(e) "Dry tank space": Area in tanks designated for the storage of materials other than bulk liquids or gases.

(f) "Flammable": Storage area designed for the storage of highly flammable materials.

(g) "Heated": Area within a storage structure in which the temperature can be controlled by the application of heat.

(h) "Igloo": Area in an earth-covered structure of concrete and/or steel designed for the storage of ammunition and explosives.

(i) "Magazine": Area in a structure, above or below ground, constructed for the storage of ammunition and explosives.

(j) "Open improved": Area which has been graded and hard surfaced or prepared with topping of some suitable material so as to permit effective materials handling operations.

(k) "Open unimproved": Area which has not been surfaced but is actually in use for storage purposes.

(l) "Refrigerated warehouse": Cold storage area where the temperature can be controlled below 50 degrees Fahrenheit. It is generally classed as chill or freeze space, which is defined as:

(1) "Chill": Refrigerated warehouse area in which the temperature can be controlled between 32 and 50 degrees Fahrenheit.

(2) "Freeze": Refrigerated warehouse area in which the temperature can be controlled below 32 degrees Fahrenheit.

(m) "Security": Storage area specially constructed, designed, or barricaded for storage of material requiring specialized protection, or to isolate hazardous, classified, or dangerous materials.

(n) "Shed": Area in a roofed structure, but without complete side and end walls.

(o) "Subterranean": Any area below the surface of the ground used for storage, such as a mine, cave, or a specially constructed underground facility.

(p) "Unheated": Area within a structure that is not equipped with heating facilities.

(q) "Vault": Area in a specially constructed, burglar-proof, fire-resistant structure for storage of materials requiring maximum protection against loss.

(r) "Warehouse": Area in a building designed for storage purposes which is constructed with roof and complete side and end walls.

## Subpart 101–28.2—Interagency Cross-Servicing in Storage Activities

### § 101–28.200 Scope of subpart.

This subpart prescribes policies and procedures to be followed in the cross-servicing of storage and warehousing services between executive agencies of the Government. It implements the provisions of the cross-servicing agreement between the Department of Defense (DOD) and GSA and extends the provisions of the agreement to provide cross-servicing between the civilian agencies of the Government.

### § 101–28.201 Applicability.

(a) The policies and procedures established by this Subpart 101–28.2 are primarily for storage activities within the continental limits of the United States. However, the policies and procedures shall be used when it is feasible to cross-service storage and warehousing requirements in overseas storage activities.

(b) Each executive agency of the Government shall make every effort to utilize, to the maximum extent feasible, available Government storage services of other executive agencies as required, with a view toward avoiding new construction of storage facilities, acquisition of temporary space, and unnecessary transportation of supplies, material, and equipment to distant storage points. The provisions of this subpart do not apply to those storage functions performed by GSA for the Office of Civil Defense.

(c) Available storage services of the executive agencies shall be made available for cross-servicing the requirements of other Federal agencies when requested. Other Federal agencies are encouraged to participate in the cross-servicing arrangements when feasible.

(d) The provisions of this Subpart 101–28.2 do not apply to ocean terminals and those activities concerned with the storage and handling of bulk petroleum, oils, lubricants, and strategic and critical materials stored under the GSA Stockpiling Programs.

### § 101–28.202 GSA/DOD Cross-Servicing Agreement.

(a) A formal agreement between GSA and DOD establishes and prescribes procedures to be followed in the cross-servicing of storage and warehousing services between DOD and civilian agencies of the Government. Copies of the agreement, containing a schedule of services and charges, together with contact points (civil and military) for cross-servicing in storage activities, are available from the General Services Administration, Office of Supply Management, Federal Supply Service, Washington, D.C., 20405.

### § 101–28.203 Definitions.

As used in this Subpart 101–28.2, definitions in this § 101–28.203 shall apply.

### § 101–28.203–1 Government storage activity.

"Government storage activity" means a Government activity or facility utilized for the receipt, storage, and issue of supplies, materials, and equipment. Activities used for storage, and issue of supplies, materials, and equipment. Activities used for storage of reserve or excess stocks or intransit storage are included. The activity may be either Government-owned or -leased, and it may be either Government-operated or contract-operated.

### § 101–28.203–2 Case lot quantities.

"Case lot quantities" means one or more of an item contained in an exterior pack (case, crate, carton, box, etc.) which is received, stored, and shipped without opening or otherwise disturbing the exterior pack.

### § 101–28.203–3 Commodity classification.

"Commodity classification" means any supplies, material, and equipment falling into categories listed in the GSA–DOD cross-servicing agreement.

### § 101–28.203–4 Contact point.

"Contact point" means the point within the headquarters of a military service or civilian agency to which requests should be forwarded. Coordination necessary with various organizational elements within a military service or civilian agency shall be accomplished by the contact point.

### § 101–28.204 Determining location of storage activities.

(a) The locations of military installations within the United States are published semiannually, as of June and De-

cember, by the Army Map Service on a map of the United States with the title of "Major Army, Navy, and Air Force Installations in the United States." Agencies may make arrangements to obtain required number of copies of this map from the Army Map Service, Corps of Engineers, U.S. Army, Washington, D.C., 20315.

(b) The location of storage activities of civilian agencies may be obtained by forwarding requests to the General Services Administration, Office of Supply Management, Federal Supply Service, Washington, D.C., 20405.

(c) Agencies having a requirement for storage and warehousing services in overseas areas shall determine, at the time the requirement develops, the possibility of cross-servicing such requirements by directly contacting the agency contact points referred to in § 101–28.202.

### § 101–28.205 Requests for services.

(a) Requests shall be forwarded to appropriate contact points that have storage activities in the desired location. A separate request shall be forwarded for each requirement. Estimates furnished in such requests shall be the best that can be determined, and advance knowledge of any major variances to estimates shall be provided the operating agency as soon as possible.

(b) The acceptance of a request obligates the accepting agency to provide the specific services requested. Any additional services to an accepted request shall be made only when agreed to by the accepting agency. Requests may be accepted under specific limitations, terms, and conditions which are acceptable to the requesting and accepting agencies.

(c) Replies to requests shall be in writing. Those replies which do not accept a request shall contain a statement advising the requesting agency of the possibility of accepting a future request for services at the locations.

### § 101–28.206 Cancellation of cross-servicing arrangements.

(a) Accepted requests may be canceled by the requesting agency prior to delivery of supplies, material, and equipment to the storage activity when logistical developments make cancellation necessary or a cancellation is the best interest of the Government. The agency which accepted the request shall be advised in writing as soon as possible in regard to the cancellation.

(b) Cancellation of arrangements in facilities to be inactivated or disposed of by an operating agency may be made as provided for in the GSA–DOD agreement. Also, after supplies, material, and equipment have been received at a storage activity, cancellation may be made when unforeseen emergencies arise which justify such cancellation. Advice of these necessary cancellations shall be in writing and the agency owning the material given the maximum amount of time to make other arrangements for their property.

(c) When a facility, in which cross-servicing is being accomplished, is to be transferred from an operating agency to another agency, the operating agency shall advise the agency owning the property at least 90 days in advance of such contemplated transfer. The agency owning the property shall negotiate with the agency gaining the facility for continued cross-servicing of the property at the facility. The agency gaining the facility shall continue the cross-servicing arrangements unless contrary to the best interest of the Government.

### § 101–28.207 Cross-servicing rates.

(a) The rates contained in the GSA–DOD cross-servicing agreement for each type of service rendered shall be used for charging, billing, and reimbursement for services rendered. However, when it is not feasible to accept a request in contract-operated activities, Government corporation activities, and leased facilities, based on these rates, and the rates are the only reason for not accepting the request, different rates may be established which are acceptable to the requesting and accepting agencies.

(b) Rates shall be revised when data are furnished GSA or DOD or developed by these agencies, which justify revision of rates. Agencies are encouraged to submit any available data which may be the basis for properly adjusting established rates. Civilian agencies shall submit such data to GSA and the military services shall submit such data to DOD.

### § 101–28.208 Reimbursement for services.

Reimbursement for services rendered shall be made promptly after receipt of billing. Frequency and method of billing and reimbursement shall be established by the agencies requesting and accepting requests for services.

# PART 101–29—FEDERAL SPECIFICATIONS AND STANDARDS

Sec.
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Subpart 101–29.1—General

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101–29.102 Procedures for development of Federal standardization documents.
101–29.103 Availability of Federal standardization documents.

Subpart 101–29.2—Specifications

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101–29.201–3 Military specifications.
101–29.201–4 Departmental specifications.
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101–29.203 Mandatory use of Federal Specifications.
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101–29.205 Deviations from Federal Specifications.
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101–29.206 Optional use of Interim Federal Specifications.
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Subpart 101–29.3—Standards

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101–29.301–2 Interim Federal Standards.
101–29.301–3 Military standards.
101–29.301–4 Departmental standards.
101–29.302 Mandatory use of Federal Standards.

AUTHORITY: The provisions of this Part 101–29 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–29.00 Scope of part.

This part sets forth the policy and procedures for the development and use of Federal and Interim Federal Specifications and associated Qualified Products Lists and Federal and Interim Federal Standards.

## Subpart 101–29.1—General

### § 101–29.101 Federal standardization documents.

Federal Specifications, Federal Qualified Products Lists, and Federal Standards are referred to collectively as Federal standardization documents. They are developed and issued by GSA or by other Federal agencies under the Assigned Agency Plan described in the "Federal Standardization Handbook" issued by the Commissioner, Federal Supply Service, GSA. They are coordinated with other Federal agencies having technical, statutory, or regulatory interest in the commodity or other subject matter covered. Technical societies and organizations representing industrial producers and consumers also review Federal Specifications prior to issuance.

### § 101–29.102 Procedures for development of Federal standardization documents.

The Commissioner, Federal Supply Service will issue and maintain, on a current basis, a "Federal Standardization Handbook." The "Federal Standardization Handbook" sets forth operating procedures and applicable definitions used in the development of Federal standardization documents under the Assigned Agency Plan described therein. Federal agencies shall adhere to the provisions of the Handbook in the development, coordination, or issuance of Federal standardization documents.

### § 101–29.103 Availability of Federal standardization documents.

The Commissioner, Federal Supply Service will promulgate and maintain on a current basis the "Index of Federal Specifications and Standards." The Index lists Federal standardization documents which have been printed and distributed, including those which are mandatory for use, and identifies the sources from which these documents may be obtained. The Index also provides information on other Government standardization documents and recognized industry standards adopted by reference in Federal standardization documents. Supplements to the Index indicate the dates on which the use of new Federal Specifications and Standards become mandatory. The Department of Defense also lists Federal Specifications and Standards in the "Department of Defense Index of Specifications and Standards."

## Subpart 101–29.2—Specifications

### § 101–29.201 General definition of a specification.

A "specification" is a document intended for use in procurement. It describes the essential and technical requirements for items, materials, or services, including the procedures for determining that the requirements have been met. Specifications for items and materials also contain preservation, packaging, packing, and marking requirements.

### § 101–29.201–1 Federal Specifications.

"Federal Specification" means a Government specification which covers those materials, products, or services used by or for potential use of two or more Federal agencies (at least one of which is a civil agency). Federal Specifications are promulgated by GSA and are mandatory for use by all Federal agencies.

### § 101–29.201–2 Interim Federal Specifications.

An "Interim Federal Specification" is a potential Federal Specification issued in interim form for optional use by all Federal agencies. Interim amendments to Federal Specifications and amendments to Interim Federal Specifications are included in this definition.

### § 101–29.201–3 Military specifications.

"Military specification" means a specification issued by the Department of Defense, used solely or predominantly by and mandatory on military activities. (This definition includes both fully coordinated and limited coordination military specifications.)

### § 101–29.201–4 Departmental specifications.

"Departmental specification" means a specification prepared by and of interest primarily to a particular Federal civil agency, but which may be of use in procurement by other Federal agencies.

### § 101–29.202 Federal Qualified Products Lists.

"Federal Qualified Products Lists" (QPL's) means lists of products tested and approved under qualification tests set forth in certain Federal or Interim Federal Specifications. The qualification test requirement is included in the specification only when the Government requires this assurance of requisite quality of the product prior to the award of a contract. For procurement purposes, a qualified product is one which has been tested and approved for inclusion in the Federal QPL, whether or not the product has actually been so listed, prior to the bid opening date or award of a negotiated contract.

### § 101–29.203 Mandatory use of Federal Specifications.

Federal Specifications shall be used by all Federal agencies, in the procurement of supplies and services covered by such specifications, except as provided in §§ 101–29.204 and 101–29.205.

### § 101–29.204 Exceptions to mandatory use of Federal Specifications.

Federal Specifications need not be used under any of the following circumstances:

(a) The purchase is required under a public exigency and a delay in obtaining agency requirements would be involved in using the applicable specification.

(b) The total amount of the purchase does not exceed the monetary limits imposed in § 1–1.305.2.

(c) The purchase involves items required in the construction of facilities for new processes, new installations of equipment, or items for experiment, test, or research and development. However, in connection with such deviations, existing Federal Specifications shall be used to the extent that they are applicable.

(d) The purchase involves spare parts, components, or materials required for operation, repair, or maintenance of existing equipment. However, existing Federal Specifications shall be used to the extent that they are applicable.

(e) The items are purchased in foreign markets for use of overseas activities of agencies.

(f) An Interim Federal Specification is used by an agency in lieu of the Federal Specification.

(g) Where otherwise authorized by law.

### § 101–29.205 Deviations from Federal Specifications.

When the essential needs of an agency are not adequately covered by an existing Federal Specification, and the proposed purchase does not come within the exceptions described in § 101–29.204, the agency may authorize deviations from the Federal Specifications. However, requirements of existing Federal Specifications shall be used to the maximum extent practicable.

### § 101–29.205–1 Agency responsibility relative to deviations from Federal Specifications.

Each agency taking such deviations shall establish procedures whereby a designated official having substantial procurement responsibility shall be responsible for assuring that:

(a) Federal Specifications are used, and provisions for exceptions and deviations are complied with.

(b) Justification for exceptions and deviations are subject to competent review before authorization, and that such justifications can be fully substantiated if post audit is required.

(c) Major or repeated deviations are not taken except as prescribed in this § 101–29.205.

(d) Notification of deviation or recommendation for change in the specification is sent promptly in duplicate to the General Services Administration, Federal Supply Service, Standardization Division, Washington, D.C., 20407. A statement of the deviations with justification therefor and, where applicable, recommendation for revision or amendment of the specification shall be included. Such notification is required when deviations taken are of a major nature such as to result in the introduction of a new item of supply as evidenced by the development of a new item identification or a deviation is taken repeatedly.

### § 101–29.205–2 Limitations on continued deviations.

Deviations taken and reported by the agency in accordance with § 101–29.205–1 may not be continued except under the following conditions:

(a) When an agency submits notification of major or repeated deviations that have been taken but makes no recommendation for change in the specification, GSA will notify the agency as to whether such deviations may be continued in subsequent procurement. In cases where continued deviations are not approved and where procurement by the agency has progressed to a point where it would be impracticable to amend or cancel the action, such action may be completed, but the deviation shall not be continued by the agency in subsequent procurement.

(b) When an agency has recommended changing the specification consistent with the deviations it has taken and reported, those deviations may be continued until such time as the recommended change is incorporated in the specification. When coordination with Federal agencies and industry does not result in acceptance of the change, such deviations shall not be continued by the agency in subsequent procurement.

### § 101–29.206 Optional use of Interim Federal Specifications.

Interim Federal Specifications are for optional use. All agencies are urged to make maximum use of them and to submit suggested changes to the assigned agency for consideration in further development of the specifications for promulgation as Federal Specifications. Interim revisions or amendments to Federal Specifications are for optional use as valid exceptions to the Federal Specifications so revised or amended and must therefore be specifically identified by symbol and date in the invitation for bids or request for proposal.

### § 101–29.207 Use of Federal and Interim Federal Specifications in Federal construction contracts.

When material, equipment, or services covered by an available Federal or Interim Federal Specification are specified in connection with Federal construction, the Federal or Interim Federal Specification shall be made a part of the specification for the construction contract, subject to the provisions in § 101–29.204, § 101–29.205, and § 101–29.206.

### § 101–29.208 Military and departmental specifications.

If no Federal Specification is available, existing Interim Federal, military, and departmental specifications which are listed in the Index of Federal Specifications and Standards should be used by all agencies consistent with each agency's procedures establishing priority for use of such specifications.

## Subpart 101–29.3—Standards

### § 101–29.301 General definition of standards.

"Standards" means documents that establish engineering and technical limitations and applications for items, materials, processes, methods, designs, and engineering practices. They include any related criteria deemed essential to achieve the highest practical degree of uniformity in materials or products, or interchangeability of parts used in those products. Standards may be used in specifications, invitations for bids, proposals, and contracts. The identification of the categories and intended use of such standards are as set forth in this § 101–29.301.

### § 101–29.301–1 Federal Standards.

"Federal Standard" means a standard promulgated by GSA which is mandatory for use by all Federal agencies, including the Department of Defense.

### § 101–29.301–2 Interim Federal Standards.

"Interim Federal Standard" means a standard issued in interim form for optional use by all Federal agencies and intended for final processing as a new or revised Federal Standard.

### § 101–29.301–3 Military standards.

"Military standard" means a standard issued by the Department of Defense used solely or predominantly by and mandatory on military activities. (This definition includes both fully coordinated and limited coordination military standards.)

### § 101–29.301–4 Departmental standards.

"Departmental standard" means a standard prepared by and of interest primarily to a particular Federal civil agency, but which may be used in procurement by other agencies.

### § 101–29.302 Mandatory use of Federal Standards.

Federal Standards shall be used by all Federal agencies, including the Department of Defense. The exceptions in § 101–29.204 relating to the mandatory use of Federal Specifications are applicable to the use of Federal Standards. A Federal agency may be granted an exception by GSA only upon submission of adequate justification to the General Services Administration, Federal Supply Service, Standardization Division, Washington, D.C., 20407.

# PART 101–30—FEDERAL CATALOG SYSTEM


Sec.
101–30.000 Scope of part.

Subpart 101–30.1—General

101–30.100 Scope of subpart.
101–30.101 Definitions.
101–30.101–1 Cataloging.
101–30.101–2 Cataloging activity.
101–30.101–3 Civil agency items.
101–30.101–4 Conversion.
101–30.101–5 Federal Catalog System.
101–30.101–6 Federal item identification.
101–30.101–7 Item of supply.
101–30.102 Objectives.
101–30.103 Responsibilities.
101–30.103–1 General.
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Subpart 101–30.2—Cataloging Handbooks and Manuals

101–30.201 General.
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Subpart 101–30.3—Cataloging Items of Supply

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101–30.301 Types of items to be cataloged.
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Subpart 101–30.4—Use of the Federal Catalog System

101–30.400 Scope of subpart.
101–30.401 Publication of Federal catalog data.
101–30.401–1 Data for military agencies.
101–30.401–2 Data for civil agencies.
101–30.401–3 Federal item identification cards.
101–30.402 Conversion.
101–30.403 Utilization.
101–30.403–1 Reports of excess and surplus personal property.
101–30.403–2 Management codes.

Subpart 101–30.5—Maintenance of the Federal Catalog System

101–30.500 Scope of subpart.
101–30.501 Maintenance.
101–30.502 Assistance by Government suppliers.


AUTHORITY: The provisions of this Part 101–30 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–30.000 Scope of part.

This part prescribes a Federal catalog program for the development, maintenance, and utilization of a uniform Federal Catalog System in the supply operations of all Federal agencies, and for the conversion of existing systems to the uniform system. Except as may be specifically provided, this part is not mandatory on the Department of Defense.

## Subpart 101–30.1—General

### § 101–30.100 Scope of subpart.

This subpart defines the objectives of the Federal Catalog System, and assigns responsibilities for its operation. The basic principles and procedures of the Federal Catalog System are contained in published cataloging handbooks and manuals described in Subpart 101–30.2.

### § 101–30.101 Definitions.

As used in this Part 101–30, the following terms shall have the meanings set forth in this § 101–30.101.

### § 101–30.101–1 Cataloging.

"Cataloging" means the process of uniformly identifying, describing, classifying, numbering, and publishing in the Federal Catalog System all items of personal property (items of supply) repetitively procured, stored, issued, and used by Federal agencies.

### § 101–30.101–2 Cataloging activity.

"Cataloging activity" means the activity of a Federal agency having responsibility for performing cataloging operations in identifying and describing items of supply in the Federal Catalog System.

### § 101–30.101–3 Civil agency items.

"Civil agency item" means items of personal property entering the supply systems of civil agencies, including materials stocked for subsequent issue as well as direct delivery requirements.

### § 101–30.101–4 Conversion.

"Conversion" means the changeover from the use of existing supply classifications, stock numbers, names, and identification data to those of the Federal Catalog System in all supply operations, from determination of requirements to final disposal.

### § 101–30.101–5 Federal Catalog System.

"Federal Catalog System" means a single supply catalog system designed to uniformly identify, classify, name, describe, and number the items of personal property used by the Federal Government by providing but one classification, one name, one description, and one item identification number for each item of supply. It provides a standard reference language or terminology to be used by all persons engaged in the process of supply.

### § 101–30.101–6 Federal item identification.

"Federal item identification" means the approved item identification for the item of supply, plus the Federal stock number assigned to that item identification. It consists of four basic elements: the name of the item, the identifying characteristics, the Federal Supply Classification code, and the Federal item identification number.

### § 101–30.101–7 Item of supply.

"Item of supply" means a single item of production, or two or more items of production that are functionally interchangeable in required applications. An item of supply may consist of any number of pieces or objects which are treated in the supply operations of a Government activity as being identical. The concept of each item of supply is expressed in, and fixed by, an item identification.

### § 101–30.102 Objectives.

The objectives of the Federal cataloging program are:

(a) To provide for the development and maintenance of a uniform Federal supply catalog system and the conversion to and exclusive use of this system by all Federal agencies.

(b) To name, identify, classify, and number each item of personal property to be included in the Federal Catalog System so that the same items will have a single Federal item identification within and among the organizational elements of all Federal agencies.

(c) To collect, maintain, and publish such Federal catalog data and related supply management data as may be determined to be necessary or desirable to reflect such benefits to supply management as:

(1) Assistance in standardization of supplies and equipment;

(2) Reduction in inventories of stock with increased rates of turnover;

(3) Disclosure of interchangeability and substitutability of items;

(4) Greater vendor competition and broader sources of supply:

(5) Facilitation of better interagency and intragency utilization of supplies, equipment, and excess stocks, and more

exact identification of surplus personal property; and

(6) Assistance in providing precise statistics for budget and financial accounting purposes.

**§ 101–30.103 Responsibilities.**

**§ 101–30.103–1 General.**

(a) The provisions of section 206 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 487) authorize the Administrator of General Services to establish and maintain a uniform Federal supply catalog system to identify and classify personal property under the control of Federal agencies. Under this law each Federal agency is required to utilize the uniform Federal supply catalog system, except as the Administrator of General Services taking into consideration efficiency, economy, and other interests of the Government, shall otherwise provide.

(b) The Defense Cataloging and Standardization Act (Chapter 145, Title 10, U.S. Code) authorizes the Secretary of Defense to develop a single supply catalog system for the Department of Defense.

(c) Both laws require that the Administrator of General Services and the Secretary of Defense shall coordinate the cataloging activities of GSA and the Department of Defense so as to avoid unnecessary duplication.

**§ 101–30.103–2 Agency responsibilities.**

(a) Each civil agency shall:

(1) Participate in the preparation and maintenance of the civil agency portion of the Federal Catalog System and in the conversion to and utilization of this system, and

(2) Comply with the policies, principles, rules, and procedures of the Federal Catalog System as prescribed in this Part 101–30.

(b) Adherence by the Department of Defense to the single supply catalog system developed for the military departments under Chapter 145, Title 10, U.S. Code, shall be deemed to constitute full coordination of cataloging activities with GSA.

## Subpart 101–30.2—Cataloging Handbooks and Manuals

**§ 101–30.201 General.**

(a) This subpart describes the cataloging handbooks and manuals prepared by the Cataloging Division, Defense Supply Agency, Department of Defense, in coordination with GSA.

(b) The following basic cataloging handbooks and manuals are available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. The requirements of these publications shall be followed by all cataloging activities participating in the Federal Catalog System.

(1) Federal Manual for Supply Cataloging (Cataloging Manual M1).

(2) Federal Supply Classification (Cataloging Handbook H2).

(3) Federal Supply Code for Manufacturers (Cataloging Handbook H4).

(4) Federal Item Identification Guides for Supply Cataloging (Cataloging Handbook H6).

**§ 101–30.202 Policies.**

The cataloging publications indicated in § 101–30.201 provide a ready reference to the following operating policies and rules covering the uniform catalog system:

(a) *Identification.* (1) Each civil agency shall insure that each of its items authorized for cataloging is included and maintained in the Federal Catalog System as prescribed in the Federal Manual for Supply Cataloging.

(2) Each item of supply shall have applicable to it one, and only one, Federal item identification; each Federal item identification shall be applicable to one, and only one, item of supply.

(b) *Federal Supply Classification (FSC).* (1) The Federal Supply Classification shall be used in supply management within the civil agencies.

(2) Each item included in the Federal Catalog System shall be classified under the Federal Supply Classification and shall be assigned to one, and only one, 4-digit class, in accordance with the rules prescribed in the Federal Manual for Supply Cataloging.

(c) *Numbering.* (1) Each item of supply identified in the Federal Catalog System shall be assigned a Federal stock number, which shall consist of the applicable 4-digit FSC class code and a 7-digit Federal item identification number.

(2) The Federal stock number shall be the only stock number used in supply operations for items within the scope of the Federal Catalog System. The integrity of the Federal stock number shall always be maintained whenever it is employed in any operation or document. Supply management codes, or other management symbols, may be associated with, but never included as a part of, the Federal stock number. These management codes or symbols must always be separated from the Federal stock number in such a manner that the Federal stock number is clearly distinguishable.

## Subpart 101–30.3—Cataloging Items of Supply

### § 101–30.300 Scope of subpart.

This subpart prescribes the types of items to be cataloged, the types of items excluded from the Federal Catalog System, and the method of submitting items for cataloging.

### § 101–30.301 Types of items to be cataloged.

Items of personal property in the civil agency systems that are subject to repetitive procurement, storage, distribution and issue, and all locally purchased, centrally managed items will be named, identified, classified, and numbered (cataloged) in the Federal Catalog System. Other locally purchased items may be cataloged based upon civil agency requirements. The term "repetitive" will be construed to mean continual or recurring and applies to those items for which a need is deemed to exist within the appropriate civil agency.

### § 101–30.302 Types of items excluded from cataloging.

Items of personal property in the following categories are to be excluded from the Federal Catalog System except when an agency determines that Federal item identification data will be of value in its supply management operations:

(a) Capital equipment items which are nonexpendable and are especially designed for a specific purpose, such as elevators or central air-conditioning system installations.

(b) Items of personal property on which security classification is imposed.

(c) Items procured on a one-time or infrequent basis for use in research and development, experimentation, construction, or test and not subject to centralized item inventory management, reporting, or stock control.

(d) Items procured in foreign markets for use in overseas activities of Federal agencies.

(e) Printed forms, except those carried in GSA stores stock.

### § 101–30.303 Identification.

Each agency shall insure that each of its items to be cataloged is included and maintained in the Federal Catalog System as prescribed in the Federal Manual for Supply Cataloging.

## Subpart 101–30.4—Use of the Federal Catalog System

### § 101–30.400 Scope of subpart.

This subpart prescribes the policies and procedures governing the publication of Federal catalog data, and the conversion to and utilization of the Federal Catalog System by Federal agencies.

### § 101–30.401 Publication of Federal catalog data.

Approved Federal item identification data is published and maintained in card form and is distributed to cataloging and supply management activities as required to meet their varying operational needs.

### § 101–30.401–1 Data for military agencies.

Segments of the Federal Supply Catalog, Department of Defense section, are published in specified commodity areas as operating catalogs and stock lists for activities of the Department of Defense, as defined in Department of Defense Directive 4130.2, Development, Maintenance and Utilization of the Federal Catalog System within the Department of Defense.

### § 101–30.401–2 Data for civil agencies.

Catalog data will be furnished participating civil agencies by means of electric accounting machine cards and/or Federal item identification cards.

### § 101–30.401–3 Federal item identification cards.

On request, extra cards will be provided to agencies by GSA on a reimbursable basis.

### § 101–30.402 Conversion.

Following completion of cataloging action, GSA will establish a time period in which conversion to the Federal Catalog System shall be accomplished by all civil agencies. The terminal dates for conversion will be established after consultation with the civil agencies concerned.

### § 101–30.403 Utilization.

On and after the established date for completion of conversion, all interagency and intra-agency transactions involving item identifications, commodity classification, or stock numbers shall be in the terms of the Federal Catalog System.

### § 101–30.403–1 Reports of excess and surplus personal property.

For items of personal property which have been identified in the Federal Catalog System, Federal stock numbers and Federal item identifications, with such additional descriptive detail as is required, shall be utilized in reports and listings of excess and surplus personal property. The assignment of Federal stock numbers and Federal item identifications shall not be required for items of excess or surplus personal property which have not been identified in the Federal Catalog System.

### § 101–30.403–2 Management codes.

For internal use within an agency, alphabetic codes excluding letters "I" and "O" may be prefixed to the Federal stock number as may be required for supply management operations as CM 7520–123–4567 or 7520–123–4567CM. Numeric codes shall not be affixed immediately adjacent to or as a part of the Federal stock number nor shall codes be intermingled in the Federal stock number.

## Subpart 101–30.5—Maintenance of the Federal Catalog System

### § 101–30.500 Scope of subpart.

This subpart prescribes the policies and procedures governing the maintenance of the Federal Catalog System.

### § 101–30.501 Maintenance.

GSA will, after consultation with the agencies concerned, provide for the proper maintenance of the Federal Catalog System requiring the addition, revision, or deletion of item identifications. As provisions for maintenance are developed, GSA will prescribe the procedures and frequency for presenting civil agency requests for cataloging action on new items entering their supply system, and for revision or deletion of their Federal item identifications.

### § 101–30.502 Assistance by Government suppliers.

When identification data for adequate cataloging of a new item is not available, or cannot be obtained through other means, the Federal agency establishing the need for the new item shall obtain the required identification data from the contractor by specifying in procurement documents the use of Federal Standard No. 5, Standard Guides for Preparation of Item Identifications by Government Suppliers.

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

# PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Sec.


101–40.000 Scope of part.

Subpart 101–40.1—General Provisions

101–40.101 Transportation assistance.
101–40.102 Representation before regulatory bodies.
101–40.103 Specifying modes of transportation.
101–40.104 Insurance against transportation hazards.
101–40.105 Use of Government-owned equipment.
101–40.106 Reports.
101–40.107 Surveys.
101–40.108 Seminars and training courses.
101–40.109 Utilization of special contracts and agreements.
101–40.110 Small business assistance.
101–40.111 Maintenance of tariff files.
101–40.112 Transportation factors in the location of Government facilities.

Subpart 101–40.2 [Reserved]

Subpart 101–40.3—Freight Rates, Routes, and Services

101–40.300 Scope of subpart.
101–40.301 Rate and routing services.
101–40.302 Standard routing principle.
101–40.303 Implementation of standard routing principle.
101–40.303–1 Service requirements.
101–40.303–2 Cost considerations.
101–40.303–3 Equitable distribution of traffic among carriers.
101–40.304 Description of property for shipment.
101–40.305 Negotiations for changes in rates, ratings, rules, and services.
101–40.305–1 Negotiations by GSA.
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101–40.305–3 Negotiation by other executive agencies.
101–40.305–4 Method of publication.
101–40.305–5 Reports of agency negotiations.
101–40.306 Rate tenders to the Government.
101–40.306–1 Form and format.
101–40.306–2 Government-wide application.
101–40.306–3 Distribution.
101–40.307 Tonnage reports.
101–40.307–1 Shipments covered.
101–40.307–2 Form of report.

Subparts 101–40.4—101–40.48 [Reserved]

Subpart 101–40.49—Forms, Formats, and Agreements

101–40.4900 Scope of subpart.
101–40.4901 GSA forms.
101–40.4902 [Reserved]
101–40.4903 Formats.
101–40.4904 [Reserved]
101–40.4905 [Reserved]
101–40.4906 Illustrations.
101–40.4906–1 GSA Form 420, Request for Traffic Data.
101–40.4906–2 Uniform Tender of Rates and/or Charges for Transportation Services.


AUTHORITY: The provisions of this Part 101–40 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–40.000 Scope of part.

This part prescribes regulations governing the transportation and traffic management activities of the executive agencies. It also covers arrangements for transportation and related services by bill of lading type commitments. These regulations are designed to assure that all transportation and traffic management functions will be carried out on the basis most advantageous to the Government in terms of economy, efficiency, and service.

## Subpart 101–40.1—General Provisions

### § 101–40.101 Transportation assistance.

Executive agencies without transportation officers, or those in need of assistance on transportation matters, shall obtain assistance from transportation officers, Transportation and Communications Service, located in the 10 GSA regional offices; except that agencies located in the metropolitan area of Washington, D.C., shall obtain such assistance from the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405.

### § 101–40.102 Representation before regulatory bodies.

GSA, in behalf of executive agencies, will institute formal or informal action, with respect to tariff, rate, or service matters, as required, before Federal and State regulatory bodies. Executive agencies shall submit their requests and recommendations for action before Federal and State regulatory bodies to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office.

### § 101–40.103 Specifying modes of transportation.

Preferential treatment, normally, shall not be accorded to any mode of transportation or to any particular carrier in arranging for transportation services. However, where for valid reasons, use of a particular type of carrier is necessary to meet program requirements, only the specified type of carrier will be considered. Examples of the need for a particular type of carrier would be where only a certain mode of transportation could provide the required service or meet the required delivery date; or where the consignee's installation and related facilities preclude, or are not conducive to, service by particular modes of transportation.

### § 101–40.104 Insurance against transportation hazards.

The policy of the Government with respect to insurance of its property while in the possession of commercial carriers is set forth in § 1–19.107 of this title.

### § 101–40.105 Use of Government-owned equipment.

Generally, the preferred method of transporting property for the Government is through use of the facilities of commercial carriers. However, Government vehicles may be used when they are available and are not being fully utilized and when their use will result in substantial economies. They may be used for such purposes as local transfer of property, pickup and delivery services which are not performed by the commercial carriers in connection with the line-haul transportation, transportation of property to meet emergencies, and accomplishment of program objectives which cannot be attained through use of commercial carriers.

### § 101–40.106 Reports.

Each agency shall submit reports to GSA concerning its transportation procedures, practices, and operations whenever so requested or as prescribed by this Part 101–40. The format of such reports shall be as prescribed for the subject or as provided in the specific request.

### § 101–40.107 Surveys.

As deemed necessary and after adequate advance notice to the agencies affected, or upon request of agencies, GSA will make on-site surveys of transportation activities and will make recommendations, when necessary, for changes in agencies' policies, standards, practices, and procedures to improve transportation concepts and operations at all levels.

### § 101–40.108 Seminars and training courses.

GSA will, from time to time, conduct seminars and training courses for the benefit of executive agency personnel assigned functions having transportation aspects. The objective of such training will be to broaden traffic management knowledge and experience within the agencies and to assist in making improvements leading to greater efficiency and economy of operations.

### § 101–40.109 Utilization of special contracts and agreements.

GSA will, as deemed necessary, enter into special contracts and agreements covering such matters as demurrage, services of ocean freight forwarders, and arrangements for stevedoring, storage, drayage, packing, marking, weighing, teleticketing, and related accessorial services. GSA bulletins outlining the services and terms of such contracts and agreements will be distributed by GSA to all executive agencies, and copies of such contracts will be distributed to the various agencies in the quantities requested. After distribution of such bulletins, agencies will arrange for dissemination of appropriate contracts and information to affected installations. To the extent that such services are thus made available and use thereof is mandatory, affected agencies shall utilize such contracts or agreements. When use is permissive, agencies should use them whenever it is in the best interest of the Government.

### § 101–40.110 Small business assistance.

Consistent with the policies of the Government with respect to small business, as set forth in Subpart 1–1.7 of this title, executive agencies shall place with small business concerns a fair proportion of the total purchases and contracts for transportation and related services, such as packing and crating, loading and unloading, and local drayage.

### § 101–40.111 Maintenance of tariff files.

(a) The General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, will maintain the master file of carrier tariffs for all modes of transportation. Each GSA regional office will maintain a tariff file sufficient to meet the normal needs of the agencies in the region.

(b) Executive agencies may maintain only the tariff files necessary to meet their routine operational requirements. To meet unusual or abnormal tariff needs, executive agencies may be permitted to use GSA tariff files; or, in the alternative, rate, routing, or other tariff information will be provided by GSA.

### § 101–40.112 Transportation factors in the location of Government facilities.

(a) Transportation rates, charges, and services shall be carefully evaluated in the selection of locations and in the planning, construction, alteration, expansion, purchasing, or leasing of facilities or sites for the establishment, relocation, or deactivation of Government installations.

(b) Executive agencies shall utilize the services of GSA, when planning and selecting such facilities to assure that proper consideration is given to the transportation factors in their construction and location.

## Subpart 101–40.2 [Reserved]

## Subpart 101–40.3—Freight Rates, Routes, and Services

### § 101–40.300 Scope of subpart.

This subpart prescribes regulations governing the determination and use of freight rates and related data in the transportation of property for the Government, selection of the mode of transportation, and the carrier or carriers within the mode, and negotiation of classification ratings, rates, and services.

### § 101–40.301 Rate and routing services.

Upon request, GSA will provide rate and route information and related traffic data to any executive agency (see § 101–40.101). Requests for such information may be submitted to the appropriate office of the GSA, Transportation and Communications Service, by means of GSA Form 420, Request for Traffic Data (see § 101–40.4906–1). Urgent requests may be made by whatever method necessary to expedite the request; and data will be supplied by similar means and confirmed by transmittal of a GSA Form 420.

### § 101–40.302 Standard routing principle.

Shipments shall be routed via the carrier or carriers which can provide the required service at the lowest overall cost to the Government.

### § 101–40.303 Implementation of standard routing principle.

In the implementation of the standard routing principle, the major factors to be considered are, in the order of their importance, service requirements, cost considerations, and equitable distribution of traffic among carriers.

### § 101–40.303–1 Service requirements.

The following factors shall be considered in determining whether a carrier can meet the service requirements:

(a) Availability and suitability of carrier equipment.

(b) Shipping and receiving facilities at origin and destination.

(c) Pickup and delivery service.

(d) Availability of required accessorial and special services.

(e) Time in transit.

(f) Record of past performance of carrier.

(g) Availability and advantages of any transit privileges.

### § 101–40.303–2 Cost considerations.

When developing cost comparisons to determine the most economical routing of shipments consistent with service requirements, consideration shall be given to costs of packing, loading and unloading, bracing, blocking, extra handling, drayage, pickup and delivery, and other accessorial services, as well as the line-haul rate.

### § 101–40.303–3 Equitable distribution of traffic among carriers.

When more than one mode of transportation, or more than one carrier within a mode, can provide equally satisfactory service at the same overall cost, the traffic shall be distributed as equitably as practicable among the modes and among the carriers within the mode.

### § 101–40.304 Description of property for shipment.

Each shipment shall be described on the bill of lading in terms of the governing freight classification, carrier tariff, or rate tender to the Government. Shipments shall not be described by trade names; e.g., "Foamite," or in general terms; e.g., "machinery," "furniture," or "Government supplies."

### § 101–40.305 Negotiation for changes in rates, ratings, rules, and services.

### § 101–40.305–1 Negotiations by GSA.

Except as provided in § 101–40.305–3, GSA, on behalf of the executive agencies, will conduct all negotiations for the establishment or modification of classification ratings, rates, charges, services, and the rules and regulations pertaining thereto.

### § 101–40.305–2 Rate analysis required on substantial movements.

When the volume of tonnage to be moved exceeds the limitations imposed by § 101–40.305–3, agencies shall submit complete details of prospective movements to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office for rate analysis to determine whether negotiations shall be initiated. Such data shall be submitted as far in advance of the prospective shipping date as circumstances will permit and shall include all pertinent shipping information, such as complete description of the commodity, packaging, volume, origin and destination, and prospective shipping schedule. (See § 1–19.201 of this title.)

### § 101–40.305–3 Negotiation by other executive agencies.

(a) Executive agencies other than GSA are authorized to initiate and conduct negotiations for freight rates and services only when the quantity of property involved is 100 short tons or less. Agencies may be granted authority to conduct negotiations on larger volumes of traffic when it is considered in the best interests of the Government. Requests for such additional authority should be directed to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office.

(b) Agencies shall not initiate negotiations for rates or services for shipments of property which, individually, are less than 100 short tons if the property is part of a larger volume which, in the aggregate, would exceed 100 short tons, even though the individual shipments take place on different dates.

### § 101–40.305–4 Method of publication.

Whether rates negotiated with the carriers by the Government are to be published in tariffs or in rate tenders to the Government (under section 22, Interstate Commerce Act (24 Stat. 387, as amended; 49 U.S.C. 22) or under Section 6, Intercoastal Shipping Act, 1933 (47 Stat. 1427 and 52 Stat. 964; 46 U.S.C. 846) shall be left to the discretion of the carrier.

### § 101–40.305–5 Reports of agency negotiations.

Executive agencies shall submit a complete report of each negotiation conducted to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office, promptly after such negotiation is completed. The report shall refer to this § 101–40.305–5 and shall cite name of carrier or bureau with which the negotiation was conducted and any tariff change, or shall include a copy of any contract or rate tender resulting from the negotiation. The report shall set forth the quantity and description of tonnage involved, origin, destination, old and new rates, and other pertinent information.

### § 101–40.306 Rate tenders to the Government.

### § 101–40.306–1 Form and format.

Only those rate tenders which have been submitted by the carriers in writing shall be considered for use by executive agencies. Carriers should be encouraged to use the format illustrated in § 101–40.4906–2 when submitting rate tenders, and to use explicit terms and conditions, in order to convey the meaning and intention clearly and concisely and to prevent future controversy with regard to interpretation.

### § 101–40.306–2 Government-wide application.

The negotiating officer of an executive agency shall endeavor to have rate tenders made applicable, by their terms, to shipments of the United States Government, rather than to those of a particular agency.

### § 101–40.306–3 Distribution.

Six copies (including at least one signed copy) of each rate tender shall be promptly submitted by the agency receiving it to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office; also, six copies (including at least one signed copy) shall be promptly submitted to the U.S. General Accounting Office, Transportation Division, Washington, D.C., 20548.

### § 101–40.307 Tonnage reports.

Each executive agency shall furnish monthly reports to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, of outbound shipments on which freight charges are to be paid or allowed by a Government agency, in ac-

cordance with the provisions of this § 101–40.307.

**§ 101–40.307–1 Shipments covered.**

The reporting requirement under this § 101–40.307 applies only to shipments totaling 100 short tons or more of a single commodity or of mixed commodities moving by common carrier from the same point of origin to the same point of destination within a calendar month.

**§ 101–40.307–2 Form of report.**

The report may be submitted by means of copies of the bills of lading covering the shipments involved or by a listing of the following data:

(a) Bill of lading number (if commercial, so indicate).

(b) Date shipped.

(c) Origin.

(d) Destination.

(e) Commodity (mixed shipments may be described, for this purpose, in general terms; e.g., "subsistence supplies," "stationery," or "building material").

(f) Rate.

(g) Gross weight of shipment.

(h) Routing.

## Subparts 101–40.4—101–40.48 [Reserved]

## Subpart 101–40.49—Forms, Formats, and Agreements

**§ 101–40.4900 Scope of subpart.**

This subpart contains forms, formats, and agreements to be used in implementing the provisions of this Part 101–40. These forms and formats are designed to provide uniform methods of requesting and transmitting transportation advice and assistance, and uniform documentation of transactions between Government agencies and between Government and the transportation industry and related industries. The agreements reproduced in this Subpart 101–40.49 are intended as a ready source of reference to agreements existing between the Government and the transportation industry and related industries.

**§ 101–40.4901 GSA forms.**

(a) The GSA forms in this Subpart 101–40.49 are for optional use by executive agencies. Their use, however, is recommended in the interest of efficiency and economy in Government operations.

(b) Supplies of GSA forms may be obtained by addressing requests to: General Services Administration Region 3, Office of Regional Manpower and Administration, ORFA, Printing and Publications Division, Washington, D. C., 20407.

**§ 101–40.4902 [Reserved]**

**§ 101–40.4903 Formats.**

(a) The formats in this Subpart 101–40.49 are for optional use by executive agencies. Their use, however, is recommended in the interest of uniformity in documentation of Government transactions.

(b) Supplies of formats illustrated in this Subpart 101–40.49 are not available to either executive agencies or the public. Such formats may be duplicated in whatever quantities and by whatever methods desired without prior permission of GSA.

**§ 101–40.4904 [Reserved]**

**§ 101–40.4905 [Reserved]**

**§ 101–40.4906 Illustrations.**

NOTE: Forms filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–40.4906–1 GSA Form 420, Request for Traffic Data.**

**§ 101–40.4906–2 Uniform Tender of Rates and/or Charges for Transportation Services.**

SUBCHAPTER H—UTILIZATION AND DISPOSAL

# PART 101–43—UTILIZATION OF PERSONAL PROPERTY


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AUTHORITY: The provisions of this Part 101–43 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within the United States, Puerto Rico, and the Virgin Islands.

## Subpart 101–43.1—General Provisions

### § 101–43.101 Surveys.

Each executive agency shall continuously survey property under its control to assure maximum use and shall promptly make property that is excess to its needs available for transfer in accordance with this Part 101–43.

### § 101–43.102 Reassignment of property within executive agencies.

Each executive agency shall, to the maximum extent feasible, reassign property within activities of the agency, including its cost-reimbursement type contractors as described in § 1–3.405 of this title, when such property is determined to be no longer required for the purpose of the appropriation from which it was purchased or the use to which it has been applied, and shall immediately discontinue procurement of items for which such property can be substituted or adapted. A quarterly performance report of such internal property reassignments shall be submitted to GSA on Standard Form 121, Revised, Quarterly Report Utilization and Disposal of Excess and Surplus Personal Property (see § 101–43.4907).

### § 101–43.102–1 Acquisition of office furniture.

Office furniture shall be purchased only after agency compliance with the reassignment requirements in this section and applicable replacement standards. Such items should then be obtained from GSA stores stock or through Federal Supply Schedules pursuant to Part 101–26.

### § 101–43.103 Agency utilization officials.

To promote the maximum utilization of excess personal property, agencies are requested to name national and regional utilization officials who will be responsible, among other things, for promoting the acquisition and profitable use of available excess. It is suggested that wherever possible, the responsibility for training personnel concerned directly or indirectly with the acquisition and use of excess be given to these utilization officials.

### § 101–43.104 Definitions.

As used throughout this Part 101–43, the terms enumerated in this section shall have the meanings set forth in this § 101–43.104.

### § 101–43.104–1 Atomic Energy Commission-controlled materials.

The possession, use, and transfer of certain materials are subject to the regulatory controls of the Atomic Energy Commission, pursuant to the Atomic Energy Act of 1954, as amended. The materials are:

(a) "Byproduct material," meaning any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (see Atomic Energy Commission Regulation, 10 CFR Part 30);

(b) "Source material," meaning (1) uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of the Atomic Energy Act of 1954, as amended, to be source material, or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time (see AEC Regulation, 10 CFR Part 40); and

(c) "Special nuclear material," meaning (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing (see AEC Regulation, 10 CFR Part 70).

### § 101–43.104–2 Combat materiel.

Arms, ammunition, and implements of war listed in currently effective designations (22 U.S.C. 1934).

### § 101–43.104–3 Contractor inventory.

(a) Any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and

(b) Any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

### § 101–43.104–4 Electronic data processing equipment.

Electronic data processing (EDP) equipment refers to a machine or a group of interconnected machines which use electronic circuitry to perform arithmetic and/or logical operations under control of internally stored programed instructions. Punched card machines which cannot be electrically interconnected with one or more machines controlled by internally stored programs are excluded.

### § 101–43.104–5 Excess personal property.

Any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

### § 101–43.104–6 Executive agency.

Any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

### § 101–43.104–7 Federal agency.

Any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

### § 101–43.104–8 Holding agency.

The executive agency which has accountability for the property involved.

### § 101–43.104–9 Inspection.

The critical examination of material to verify quantity, determine condition, or to compare actual characteristics with those given in applicable specifications. The term includes laboratory analyses and other technical testing operations which may be required. The term is used in a similar sense with respect to services performed and other stipulated performances in general.

### § 101–43.104–10 Intangible personal property.

Includes but is not limited to such classes of personal property as patents, patent rights, processes, techniques, inventions, copyrights, negotiable instruments, money orders, bonds, shares of stock, and similar evidences of value, except as, in a given case or class of cases, may be excluded by the Administrator of General Services.

### § 101–43.104–11 Materiel.

All items necessary for the equipment, maintenance, operation, and support of governmental activities without distinction as to use for administrative or operational purposes.

### § 101–43.104–12 Narcotics.

The following drugs or preparations thereof: (a) opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves or cocaine; (b) isonipecaine (demarol); (c) any drug found by the Secretary of the Treasury and proclaimed by the President to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, such as methadon (delephine, adanon) and nisentil; and (d) marihuana (Cannabis Sativa L.).

### § 101–43.104–13 Personal property.

Property of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft-carriers, destroyers, and submarines.

### § 101–43.104–14 Possessions.

Includes the Virgin Islands, the Canal Zone, Guam, American Samoa, Wake Island, Midway Island, and the Guano Islands, but does not include the Commonwealth of Puerto Rico.

### § 101–43.104–15 Related personal property.

Any personal property:

(a) Which is located on, or is an integral part of, real property, or used or useful in connection with such property or the productive capacity thereof, or

(b) Determined by the Administrator of General Services to be otherwise related to the real property.

§ 101–43.101–16 Salvage.

Personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit (either by the holding or any other Federal agency) and its repair or rehabilitation for use as a unit (either by the holding or any other Federal agency) is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

§ 101–43.104–17 Scrap.

Materiel that has no value except for its basic material content.

§ 101–43.104–18 Surplus personal property.

Any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

§ 101–43.104–19 Trust territory.

Applies to the Trust Territory of the Pacific Islands, which the United States administers pursuant to the trusteeship agreement approved by the President of the United States pursuant to the Act of July 18, 1947 (48 U.S.C. 1681 note).

§ 101–43.104–20 Typewriters.

Manually and electrically operated machines having standard or special keyboards, designed to produce printed characters by impression of type upon paper through the medium of an inked ribbon. It includes the varityper, hektowriter, proportional spacer, flexowriter, justowriter, and portable type machines but does not include bookkeeping, billing, or teletype machines.

§ 101–43.104–21 United States.

In the geographical sense, "United States" means all the States and the District of Columbia.

## Subpart 101–43.2—Utilization of Property Proposed for Processing for Exchange/Sale

§ 101–43.200 Scope of subpart.

This Subpart 101–43.2 prescribes the utilization policies incumbent upon executive agencies exercising the exchange/sale authority granted under section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)).

§ 101–43.201 [Reserved]

§ 101–43.202 Definition.

The term "acquire", as used in this Subpart 101–43.2, means procure, purchase, or obtain in any manner, including transfer, or manufacture, or production at Government-owned or -operated plants or facilities.

§ 101–43.203 General authorization.

Subject to the provisions of this Subpart 101–43.2, executive agencies are hereby authorized, in acquiring replacement personal property within the United States or elsewhere, to exchange or sell similar items and apply the exchange allowance or the proceeds of sale in such cases, in whole or in part payment for the replacement property acquired.

§ 101–43.203–1 Restrictions and limitations.

(a) The application of exchange allowances or proceeds of sale in whole or part payment for personal property acquired is authorized only when all the following conditions apply:

(1) The items sold or exchanged are similar to the items acquired (see § 101–43.203–1(b) for explanation of the word, "similar");

(2) The items sold or exchanged are not excess, and the items acquired are needed in the conduct of approved programs;

(3) The items acquired are to be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchanged or sold would otherwise be used, but the items acquired need not be the same in number nor used in the same location as the items sold or exchanged (Example: two ½-ton dump trucks may be replaced with one 1-ton dump truck which performs tasks previously requiring the two trucks): *Provided*, That the limitation prescribed in this subparagraph shall not apply with respect to parts or containers; And provided further, That detailed cross reference between old and new items will not be required in the absence of specific requirements of law. In the absence of such cross reference, however, there shall be made available to the General Accounting Office sufficient data to establish that the items acquired were similar to the items exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment for property acquired were in fact available for such application, and that the transaction was otherwise in accordance with the provisions of this § 101–43.203–1;

(4) There has been at the time of exchange or sale (or at time of acquisition if it precedes the sale) a written administrative determination to apply the exchange allowance or proceeds of sale in acquiring property in accordance with this section; and

(5) The transaction will foster the economical and efficient accomplishment of an approved program.

(b) The item of personal property to be exchanged or sold and the item to be acquired shall be deemed similar for the purpose of this section when:

(1) Both fall within any one of the categories listed in § 101–43.4908; or

(2) In the case of personal property not falling within the categories of § 101–43.4908, the item to be acquired is designed and constructed for the same specific purpose as the item to be replaced; or

(3) Both constitute containers for items which are similar within the meaning of subparagraph (2) of this paragraph; or

(4) Both constitute containers for items which are similar within the meaning of subparagraph (1) or (2) of this paragraph.

(c) Items falling within the following categories shall not be eligible for handling under the provisions of this Subpart 101–43.2.

(1) Hand tools.

(2) Hardware, general purpose.

(3) Lumber, millwork, plywood, and veneer.

(4) Furniture, office, household and quarters, hospital, shipboard, and cafeteria located in the United States and its possessions.

(5) Office supplies.

(6) Textiles.

(7) Wearing apparel.

(d) This Subpart 101–43.2 shall not be construed to authorize:

(1) The acquisition of personal property by an executive agency when such acquisition is not otherwise authorized by law.

(2) The acquisition of personal property by an executive agency in contravention of (i) any restriction upon the procurement of a commodity or commodities, or (ii) any replacement policy or standard, prescribed by the President, the Congress, or by the Administrator of General Services.

(3) The purchase or acquisition of personal property otherwise than under a consolidated purchasing or stores program of Federal Supply Schedule contract where procurement under such program or contract is required by regulations or other directives prescribed by the Administrator of General Services. However, an executive agency acquiring an item or items under and in accordance with such program or contract may sell or exchange similar items and apply the exchange allowance or proceeds of sale as provided in this Subpart 101–43.2.

(4) The sale, transfer, or exchange of excess or surplus property in connection with the purchase or acquisition of personal property. However, an executive agency may sell or exchange items originally acquired as excess or surplus from another agency and apply the exchange allowance or proceeds of sale in accordance with this Part 101–43.

(5) The sale, transfer, or exchange of strategic and critical materials, unless such materials at any one location are in lots of less than the minimum quantities specified in Part 101–14, and the agency determines that there is no reasonable prospect of accumulating, within 12 months, the minimum quantities specified in said part.

(6) The sale, transfer, or exchange of Atomic Energy Commission-controlled materials as defined in § 101–43.104 except in accordance with applicable regulations of the Atomic Energy Commission (see 10 CFR Parts 30, 40, and 70).

(7) The sale or exchange of narcotics, except in accordance with Parts 101–44 and 101–45.

(8) The sale of personal property in new or unused condition in connection with the purchase or acquisition of personal property.

(9) The sale, transfer, or exchange of scrap in connection with the purchase or acquisition of personal property.

(e) This Subpart 101–43.2 does not apply to strategic and critical materials which have been accepted for the national stockpile. Materials no longer needed for the stockpile are required to be disposed of in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98b) and Part 101–45.

### § 101–43.204 Agency responsibility.

Executive agencies having property determined to be available for exchange or sale pursuant to this Subpart 101–43.2 shall, to the fullest extent practicable or economical and prior to any disposal action, solicit Federal agencies known to use or distribute such property and arrange for transfers thereto, except that no attempt need be made to obtain further utilization of property which is eligible for replacement in accordance with standards prescribed by GSA. Executive agencies may also exchange similar property with other Federal agencies (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership Government corporations).

### § 101–43.204–1 Dangerous property and combat materiel.

(a) No property which is dangerous to public health or safety shall be exchanged or sold pursuant to this Subpart 101–43.2, without first rendering such property innocuous or providing adequate safeguards therefor.

(b) No combat materiel shall be exchanged or sold pursuant to this Subpart 101–43.2 without first demilitarizing such property if such demilitarization is found by a duly authorized official of the executive agency concerned to be in the best interest of public health, safety, or security. Such demilitarization may include rendering such property innocuous, stripping from it any confidential or secret characteristics, or otherwise making it unfit for military use. Demilitarization of property to be exchanged or sold shall be accomplished in such manner as to preserve so far as possible any civilian utility or commercial value of the property.

### § 101–43.205 Reimbursement.

Transfers of personal property under this Subpart 101–43.2 shall be made upon such terms as shall be agreed to by the Federal agencies concerned (including the organizations specified in § 101–43.204). However, agencies offering property for transfer for further utilization within the Government shall not in any case require reimbursement of an amount greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid basis. Funds shall be transferred in accordance with such terms, and the exchange allowance or other proceeds of transfer shall be applied in whole or part payment for personal property acquired. Funds transferred as representing the difference in value between items which are exchanged shall be deposited to miscellaneous receipts by the transferee agency unless (1) other disposition is authorized by law or (2) acquisition of items in addition to the items received in exchange is required for the performance of the tasks or operations in which similar items exchanged would otherwise have been used.

### § 101–43.205–1 Books and periodicals.

Notwithstanding any other provision of this Subpart 101–43.2, executive agencies may exchange, without monetary appraisal or detailed listing or reporting, books and periodicals in their libraries not needed for permanent use for other books and periodicals.

### § 101–43.206 Records.

Executive agencies shall prepare and maintain such records as will show full compliance with the provisions of this Subpart 101–43.2 and with section 201(c) of the Federal Property Act (40 U.S.C. 481(c)).

## Subpart 101–43.3—Utilization of Excess

### § 101–43.301 Federal Government procedure.

The first source of supply is excess personal property, which should be utilized by agencies to the fullest extent practicable, as prescribed in this Part 101–43. Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding agency prior to shipment or delivery in the case of donation, or prior to an award in the case of sale.

### § 101–43.302 Agency responsibility.

(a) In order to obtain maximum utilization and minimize the procurement of new items, each executive agency shall be responsible for making excess property available and facilitating the transfer of the property to other Federal agencies, to its cost-reimbursement type contractors, and to the organizations specified in § 101–43.315. The transfer of excess property to a cost-reimbursement type contractor shall be made only by the agency administering the contract. Each executive agency shall, to the maximum practicable extent, fulfill its requirements for property, including those of its cost-reimbursement type contractors, by obtaining excess from other Federal agencies in lieu of new procurement.

(1) Prior to procurement of new property, careful and receptive consideration shall be given to utilization of known usable excess property of a similar type, including the possibility of substitution or adaptation of excess items not identical with requested items, whether the excess items are unused, rehabilitated, or in used condition, and regardless of whether the intended new procurement would be from GSA stores stock or other sources of supply. Executive agencies shall accept, to the fullest extent practicable, the reasonable substitution of such excess property in lieu of new procurement.

(2) GSA will assist agencies in meeting their requirements for property of the types excepted from reporting as excess by this Part 101–43. Federal agencies requiring such property should contact the appropriate GSA regional office as indicated by § 101–43.4903. GSA area utilization officers, stationed at key military excess generating points throughout the United States, are screening and offering nonreported personal property as it becomes available for transfer.

(b) To implement the policy for maximum utilization of excess personal property, as outlined in paragraph (a) of this § 101–43.302, the regional offices of the GSA will screen all requests for replenishment of stores stock and direct delivery purchase requests submitted by executive agencies against lists of excess personal property available in their respective regions.

(1) GSA may take physical custody of such excess personal property for redistribution, or may direct its transfer to executive agencies in lieu of procurement of new property from commercial sources of supply. If the excess property is used, rehabilitated, or differs in some substantial characteristic from the item ordered, notice of intent to substitute will be given the ordering agency to permit such agency the opportunity to inspect the property prior to shipment.

(c) Acceptance of excess property under the above circumstances shall be required unless the using agency submits a full and convincing written justification that such transfers or substitutions would result in serious hardship or impairment to its operations programs.

(d) Part 101–27 prescribes standards for executive agencies in computing inventory levels. To encourage the use of excess property which might otherwise be disposed of as surplus, inventory levels may be adjusted upward when items of stock are to be acquired from excess sources. Such adjustments should be tempered by caution and arrived at after careful analysis which gives consideration to the factors set forth in Part 101–27 and in this Part 101–43. Generally, acquisitions of items for inventory from excess shall not exceed a two years' supply except when:

(1) A greater quantity is needed to meet known requirements for an authorized planned program.

(2) The item is not available without special manufacture and a predictable requirement exists.

(3) Administrative determination has been made that in application of the EOQ principle of stock replenishment within an agency an inventory level in excess of two years is appropriate for low dollar-volume items.

(4) The items are being transferred into authorized stock funds for resale to other Government agencies.

(5) In addition, the following conditions should be met prior to acquisition of excess:

(i) There must be a predictable requirement for an authorized program.

(ii) The cost of acquisition, including packing and shipping, carrying in inventory, and preservation shall not exceed delivered cost of new material.

(iii) The supply acquired does not exceed the expected shelf life, considering condition at time of acquisition.

(iv) The supply of spare parts acquired shall not exceed the life expectancy of the equipment supported.

### § 101–43.303 Suspension of procurement.

The Administrator of General Services may, as circumstances warrant, suspend the initiation of procurement for new items of property when these same items, or those which can be substituted or adapted for them, are available from excess property.

### § 101–43.303–1 Acquisition of mercury.

(a) Executive agencies of the Federal Government are prohibited from purchasing mercury in quantities of 76 pounds or more from commercial sources without prior clearance from GSA.

(b) Mercury, prime, virgin, 99.9 percent pure (not triple distilled), in 76 lb. flasks, with unit acquisition cost of $235.60 per flask, is available for transfer from AEC excess personal property with reimbursement at fair-market value.

(1) Requests for the mercury shall be made on Standard Form 122, Transfer Order Excess Personal Property, submitted in quadruplicate to the General Services Administration, Utilization and Disposal Service, Personal Property Division, 1776 Peachtree Street NW., Atlanta, Ga., 30309. Orders will show the holding agency as the U.S. Atomic Energy Commission, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn., Attention: R. H. Miller. The unit of issue is 76 lb. flask.

(2) Requests for clearance to purchase quantities of 76 pounds or more from other sources than the U.S. AEC submitted to GSA's regional office, Atlanta, Ga., will receive prompt review provided such requests are accompanied by a statement of the reasons that make the available excess mercury unsuitable for the purposes of the requesting agency. Requesting agencies will be notified as to the approval or disapproval of such requests.

### § 101–43.304 Retention of custody.

GSA may direct the holding agency to retain custody of excess property, or order custody of whole or part transferred to other executive agencies, with their consent.

### § 101–43.305 Strategic and critical materials; excess related personal property.

With respect to strategic and critical materials, and excess related property, this Part 101–43 shall apply to them only to the extent not precluded by the provisions of Part 101–14 and Part 101–47, respectively.

### § 101–43.306 Property not required to be reported.

Excess property which is not required to be reported to GSA is nonetheless a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for consummating its expeditious transfer to such agencies. Federal holding agencies shall cooperate with GSA representatives in making information available and in providing access to their nonreportable excess property. To the extent such property is not covered by the utilization screening processes of GSA, executive agencies shall make reasonable efforts to obtain utilization among Federal agencies of that property having utilization potential. In the case of narcotics, this solicitation shall be limited to those agencies shown in § 101–43.309.

### § 101–43.307 Legislative and judicial Federal agencies.

Federal agencies in the legislative and judicial branches are encouraged to report and transfer excess property and fill their requirements from excess property of other Federal agencies, in accordance with the provisions of this Part 101–43. In reporting property as excess, each Federal agency shall comply with the provisions of this Part 101–43.

### § 101–43.308 Assistance in major disaster relief.

In accordance with instructions of the Director, Office of Emergency Planning, or of any officer of his agency designated by him, excess property shall be utilized in behalf of or loaned to States and local governments, with or without compensation therefor, pursuant to the Act of September 30, 1950 (42 U.S.C. 1855 et seq.), and Executive Order No. 10427 of January 16, 1953, as amended, Executive Order No. 10737 of October 29, 1957, as amended, and Executive Order No. 11051 of September 27, 1962 (3 CFR), to provide assistance to such States and local governments in alleviating suffering and damage resulting from major disasters. Excess medicines, foods, and other consumable supplies may be distributed to States and local governments for such purposes. In the event such property has been reported to GSA pursuant to § 101–43.311, it shall be withdrawn by the holding agency pursuant to § 101–43.314.

### § 101–43.309 Narcotics.

Holding agencies shall arrange for transfers in accordance with § 101–43.315–5. In effecting the utilization of excess narcotic drugs, the holding agencies shall solicit only the following Federal agencies and may transfer excess narcotics to these agencies only:

(a) Department of Defense;

(b) Veterans Administration;

(c) Department of Health, Education, and Welfare;

(d) Office of Territories, Department of the Interior; and

(e) Such other Federal agencies as may be designated by the Administrator of General Services in special cases.

### § 101–43.310 [Reserved]

### § 101–43.311 Reporting requirements.

### § 101–43.311–1 Reporting.

Except as set forth in § 101–43.312, excess personal property shall be reported promptly as provided in this § 101–43.311–1 and in accordance with the Federal Supply Classification Groups and Classes contained in § 101–43.4901. Full descriptions will be used, when available. In the absence of such descriptions, adequate commercial descriptions will be furnished. Whenever possible, Federal stock numbers should be provided as part of the description. It is especially important that the excess property report reflect the true condition of the property as of the date it is reported excess, through assignment of the appropriate code designation, as defined in § 101–43.4902–1.

### § 101–43.311–2 Form and distribution of reports.

Reports of excess property shall be made on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet (see §§ 101–43.4902 and 101–43.4902–2), in accordance with the instructions in § 101–43.4902–1. Reports to GSA shall be submitted in original and three copies to the appropriate GSA regional office for the region in which the property is located (see § 101–43.4903), except that reports of excess standard forms, and samples of such forms shall be submitted to the General Services Administration Region 3, Federal Supply Service, Washington, D.C., 20407, in accordance with Part 101–26 of this chapter.

### § 101–43.311–3 Typewriters.

Typewriters shall not be included on Standard Form 120 with any other personal property and the following additional descriptive information shall be provided: make, model, type (standard, silent, noiseless, portable, or electric), carriage width, typeface, and serial number.

### § 101–43.311–4 Excess personal property on or within excess real property.

Excess related personal property shall be reported to GSA in accordance with Part 101–47 of this chapter. Excess personal property, other than related personal property, which may be located on or within excess real property, is governed by this Part 101–43. The fact of location on excess real property shall be noted on the report.

### § 101–43.311–5 Property at installations due to be discontinued.

Executive agencies that have installations which are due to be discontinued, closed, or abandoned and at which there will be excess personal property shall, unless inadvisable in the interest of national security, give advance notice of such situations as early as possible by letter to the appropriate GSA regional office. In such cases, agencies shall identify the installation to be discontinued, and provide the scheduled date for the removal of personnel from the location, and the last date when the personal property will be needed. As soon as possible after filing the advance notice, the excess personal property shall be reported in accordance with this § 101–43.311 to provide time for screening for Federal utilization and donation purposes. Seventy-five days are usually required.

### § 101–43.312 Exceptions to reporting.

Unless otherwise directed by GSA, the following excess property shall not be reported:

(a) Perishables, defined for the purposes of this section, as any foodstuffs which are subject to spoilage or decay;

(b) Property dangerous to public health and safety;

(c) Scrap and/or salvage, provided the property strictly conforms to the definitions for scrap and/or salvage (§ 101–43.4902–1).

(d) Property determined by competent authority to be classified for reasons of national security;

(e) Other items excepted from reporting as listed in § 101–43.4901;

(f) Otherwise reportable property which, prior to reporting as required in § 101–43.311, is transferred directly between Federal agencies to fill a known need; and

(g) Trading stamps.

### § 101–43.313 Items requiring special handling.

### § 101–43.313–1 Narcotics.

All excess narcotic drugs may be determined to be surplus by the holding agency without reporting as excess, after such agency has complied with the utilization requirements of §§ 101–43.102 and 101–43.309.

### § 101–43.313–2 Printing, binding, and blankbook equipment and supplies.

Excess machinery, equipment, material, and supplies for printing, binding, and blankbook work should be reported to the Public Printer for possible transfer, as provided in section 3 of the Act of July 19, 1919 (44 U.S.C. 59), prior to reporting to GSA.

### § 101–43.313–3 Intangible property.

Excess intangible property shall be reported to the General Services Administration, Utilization and Disposal Service, Washington, D.C., 20405, and shall not be transferred or disposed of without prior approval of GSA, except that bonds, notes, or other securities authorized to be disposed of by the Secretary of the Treasury under section 5 of the Act of April 3, 1945 (31 U.S.C. 741a), shall not be reported to GSA.

### § 101–43.313–4 Conditional gifts.

(a) Any agency receiving an offer of a conditional gift (other than money or intangible property) for a particular defense purpose within the purview of the Act of July 27, 1954 (50 U.S.C. 1151–1156), shall notify the appropriate regional office of GSA and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor of its referral to a GSA regional office but should not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recomendation to the regional office.

(c) When the gift is determined to be acceptable and it can be used in the form in which offered, it will be transferred without reimbursement to a Federal agency designated by GSA for use for the

particular purpose for which it was donated.

(d) If the gift is one which GSA determines shall be converted to money, the funds, after conversion, will be deposited with the Treasury Department for transfer to an appropriate account which will best effectuate the intent of the donor, as provided in Treasury Department Circular No. 957, dated February 24, 1955.

(e) Such conditional gifts of property will be accepted or rejected on behalf of the United States or transferred to an agency by GSA only after consultation with the interested agencies.

(f) GSA will advise the donor and the agencies concerned of the action taken with respect to acceptance or rejection of the conditional gift and of its final disposition.

(g) The provisions in this § 101–43.313–4 are applicable only to the acceptance of gifts under the provisions of the Act of July 27, 1954 (50 U.S.C. 1151–1156).

**§ 101–43.313–5 Electronic data processing equipment.**

(a) This § 101–43.313–5 provides for: (i) maximum utilization of Government-owned personal property; and (ii) achievement of economic advantages available to the Government through the purchase and continued use of electronic data processing (EDP) equipment previously leased by the Government. This § 101–43.313–5 prescribes requirements for reporting Government-owned and -leased equipment which is either excess or available for exchange or sale pursuant to Parts 101–43 and 101–45, and prescribes policy and procedures for transfer of such EDP equipment for further Federal use.

(1) The provisions of this § 101–43.313–5 are applicable to all electronic data processing equipment capable of performing those applications listed in the Code Sheet for Applications, Attachment A of Bureau of the Budget Circular No. A–55 (Revised) of November 15, 1963, when such equipment is either Government-owned or -leased. Included in this section is general purpose commercial type equipment that is a part of a weapons system or used in research, development, test, and evaluation, or classified programs. However, specialized equipment designed for use exclusively in the foregoing systems or programs is excluded.

(2) Government-wide policy for the selection and acquisition of Automatic Data Processing (ADP) equipment is contained in Bureau of the Budget Circular No. A–54. Consistent with the policy contained therein, executive agencies shall acquire available Government-owned or -leased electronic data processing equipment in lieu of purchase or lease from sources outside of the Government of new or used equipment where technically feasible and determined economically advantageous to the Government.

(b) Reporting property by owning or leasing agencies:

(1) Most agencies can predict planned replacement dates a year or more in advance of replacement. Some maintain centralized records of the status of all owned and leased EDP equipment. Written notice of planned replacements, by letter or other means, will greatly assist GSA in later efforts to obtain utilization among other Government agencies for this equipment. All advance notices submitted to GSA should contain as much information as is considered essential to determine effectively future utilization potential. When the status of such equipment changes, notification to this effect should be submitted on a situational basis, or reports of the status of all previously reported planned replacements or new planned replacements may be submitted quarterly.

(2) When an agency has determined the release date for EDP equipment being replaced, or considered excess to its needs, that fact shall be reported to GSA on Standard Form 120, Report of Excess Personal Property. The report shall be submitted at the earliest practicable date and, in any event, no later than 120 days prior to the anticipated release date. Specific reference to the advance notification previously furnished to GSA shall be made. The release date may be indicated as tentative if necessary. When a firm release date is established, or a previously reported firm release date is changed, this fact shall be reported by submission of a revised Standard Form 120. The basic Standard Form 120 report, in original and three copies, shall include the following:

(i) A complete listing of each equipment item identified by manufacturer's series and model number or other identification, as applicable, and a complete listing of modifications and attachments applied to each component. With each component listed there shall be an indication as to whether it has been purchased, leased, or leased with an option to purchase. If leased with option to purchase, and the option has not been exercised, the time available in which it may be exercised shall be reported. Also, since the reporting agency is in the best position to determine the acquisition cost to the Government at the time leased equipment will be released, such information shall be obtained from the supplier and reported. In addition, for each machine listed, the time in service and average down time per month for a twelve month period immediately preceding the report shall be reported on an attachment to the Standard Form 120.

(ii) An attachment that will indicate applications for each machine utilizing the application code contained in Attachment A of BOB Circular A–55. If no code is determined to be applicable, then a brief narrative statement of machine applications should be included. In the instance of a complete equipment configuration, the report shall include information regarding power and air-conditioning requirements. Also the attachment shall include a listing of compilers and other software packages (such as executive routines), and a listing of engineering drawings and maintenance manuals available with the equipment and indicate the availability of maintenance, supplies, and spare parts.

(iii) The notation "Exchange/Sale Property" prominently displayed on the face of the SF 120 in those instances where the reporting agency is releasing Government-owned equipment for the purpose of replacement and plans to employ the exchange/sale provisions of Parts 101–43 and 101–45.

(3) In consideration of the time factors involved, agencies, particularly large ones, may elect to forego any canvass of other internal EDP needs and to request that GSA perform this service simultaneously with its canvass of the requirements of other agencies. In such instances, GSA will direct its catalogs and bulletins to those addressee offices within the reporting agency supplied by the reporting agency. Any needs of the reporting agency will be given priority over those of other agencies for a reasonable period of time. This reasonable period will be established by GSA in collaboration with the agencies involved.

(4) If, after submission of a Standard Form 120, an agency determines that the equipment will still be required and intends to continue the use, continue the lease, or exercise a purchase option and retain said equipment, notification to this effect shall be immediately submitted to GSA on an appropriately noted SF 120 in order to prevent unnecessary expense to other agencies in attempting to obtain utilization of the property.

(c) The Utilization and Disposal Service, GSA, will circularize catalogs and bulletins to all Federal agencies, including the reporting agency, advising of the availability of the equipment by transfer, by purchase from the supplier at reduced prices to be agreed upon by the requiring agency and the supplier, or by exercise of the purchase option contained in the leasing agency's contract. Price information will be included in catalogs and bulletins, when available, but final pricing on Government-owned equipment will normally be arrived at in accordance with § 101–43.313–5(d).

(1) Catalogs will be released by GSA for distribution on or before the fifteenth day of the first month of each calendar quarter, listing all equipment available for transfer as of the last day of the preceding quarter. Bulletins will be issued to update the most recent catalog publication.

(2) Executive agencies shall: (i) provide GSA with quantitative requirements and/or distribution lists for catalogs and bulletins; (ii) take steps to insure expedited distribution of catalogs and bulletins internally; and (iii) inform all appropriate officials in the agency concerning the use and applicability of the catalogs and bulletins.

(d) In the case of Government-owned equipment, transfers shall be governed by the fair value reimbursement provisions of § 101–43.315, which means that in most instances transfers between agencies will be without reimbursement of fair value. However, when replacement is involved, and the owning agency

plans to employ the exchange/sale provisions of Parts 101–43 and 101–45, and so annotate the report, then reimbursement will be required of the acquiring agency in accordance with the criteria set forth in § 101–43.205, except that reimbursement will be at least equal to the trade-in value as stipulated in the Federal Supply Schedule contract, or otherwise allowed by the supplier.

(e) The costs of care and handling of owned or leased equipment prior to the release date stated by the holding agency on the SF 120, including movement and temporary storage, shall be borne by the holding agency. Any costs directly involved for temporary storage incurred subsequent to the stated release date may be billed to the acquiring agency provided that the date of original submission of the SF 120 to GSA was at least 120 calendar days in advance of the release date stated in that declaration. The obligation rests with the acquiring agency to make arrangements with the holding agency whenever physical transfer of the equipment to the acquiring agency cannot be completed immediately after the stated release date and temporary storage by the holding agency is therefore required. All other costs incident to transfer shall be borne in accordance with § 101–43.317–1.

(f) When an executive agency has developed systems specifications, as required by BOB Circular A–54, and has determined its equipment requirements, it will screen information catalogs and bulletins furnished by GSA to determine the availability of equipment or components to meet its specifications. Each requiring agency shall acquire, where economically and technically feasible, the items offered through the circularization media referred to in § 101–43.313–5(c) in lieu of leasing or purchasing new or used equipment from commercial sources. In making its determination pursuant to § 101–43.313–5(a)(2) relative to the offered equipment, appropriate consideration shall be given to operational suitability, installation time requirements, budgetary implications, and economic factors. In instances where no suitable used equipment appears to be available, study should be made to determine the feasibility of modifying available used items, or adding peripheral equipment, to meet specifications. When the information listed in a GSA catalog or bulletin is not sufficient to make a determination, further information may be obtained by contacting the holding agency or the GSA office set forth in this § 101–43.313–5. Since planning for obtaining EDP equipment considerably precedes actual procurement, agencies are cautioned to screen continuously the GSA catalogs and bulletins until a firm contract to purchase or lease new equipment has been let.

(1) Agencies desiring to acquire owned or leased equipment will submit a Standard Form 122, Transfer Order Excess Personal Property, to GSA in an original and three copies. (See § 101–43.4906–1 for instructions for preparation of the SF 122.)

(2) When an agency, after consideration in accordance with this § 101–43.313–5(f), has determined that acquisition of the offered equipment, if it is identical or substantially similar to equipment required, is not in the best interest of the Government, it shall place in its official records a written statement setting forth the basis for its decision.

(g) When a Standard Form 122 is received in accordance with § 101–43.313–5(f)(1), GSA will notify the releasing agency. The following actions will then be taken:

(1) The releasing agency shall notify the supplier in writing of the intention of the requiring agency to further utilize the equipment when it is wholly owned by the Government and a maintenance agreement with the supplier is in effect, when it is leased, or when it is leased with option to purchase. This communication will indicate the name of the requiring agency and will state that the requiring agency will contact the supplier. Copies of this correspondence will be furnished the requiring agency and GSA.

(2) When the requiring agency receives a copy of the releasing agency's notice to the supplier, the requiring agency shall contact the supplier to establish a firm purchase agreement, if applicable, and/or support agreements. Copies of key correspondence and agreement documents shall be furnished GSA and the releasing agency. In the instance where equipment being acquired is Government owned and maintained, the requiring agency shall take the necessary action to effect transfer as set forth in § 101–43.315–5.

(h) No executive agency shall exchange or sell electronic data processing equipment under the exchange/sale provisions of Parts 101–43 and 101–45 of this chapter until the items have been reported and released in accordance with the provisions of this § 101–43.313–5.

(1) Equipment reported in accordance with § 101–43.313–5(b)(2), will remain available for transfer until the release date specified on the Standard Form 120 has been reached at which time it is automatically released to the owning agency for appropriate disposition.

(2) Reports prescribed by this § 101–43.313–5 shall be addressed to General Services Administration, Utilization and Disposal Service, Office of Personal Property, Utilization Division, Washington, D.C., 20405.

### § 101–43.313–6 Trading stamps.

Trading stamps are exempted from reporting to GSA as excess intangible personal property pursuant to § 101–43.312. Executive agencies in a position to receive trading stamps should establish such internal procedures for handling trading stamps as will result in the least administrative burden or cost. Such procedures should provide for a minimum of administrative and accounting controls.

(a) Arrangements for redemption by the lowest appropriate organizational level should be made where redemption of trading stamps by the procuring agency is practical and in the best interest of the Government.

(b) Arrangements for transfer, without reimbursement or accountability, to a nearby Federal hospital or similar institution operated, managed, or supervised by VA, DHEW, or DOD, should be made where the procuring agency has no need for trading stamps received, provided it has been ascertained that the proposed recipient is prepared to receive and utilize such trading stamps.

(c) Other Federal agencies are encouraged to adopt these procedures.

### § 101–43.313–7 Atomic Energy Commission-controlled materials.

Atomic Energy Commission-controlled materials, defined in § 101–43.104, are exempted from reporting to GSA as excess personal property. Transfers of such materials shall be made in accordance with applicable regulations of the AEC (see 10 CFR Parts 30, 40, and 70).

### § 101–43.314 Withdrawals and corrections.

### § 101–43.314–1 Withdrawals.

Requests for withdrawals shall be addressed to the GSA regional office to which the report of excess property was forwarded. Disposition of property shall not be made until after approval of withdrawal is received from GSA except in cases involving the physical transfer of property for purposes of major disaster relief. This will enable the GSA regional offices to provide firm listings of excess property and assure agencies that property selected is available. It will preclude the expense of inspection and preparation of correspondence and transfer documents on property to be withdrawn and will assist in providing a uniform and orderly program for the utilization of excess property.

### § 101–43.314–2 Corrections.

Corrected reports of excess property shall be submitted to the appropriate GSA regional office for necessary action.

### § 101–43.315 Transfers of excess property.

### § 101–43.315–1 Agencies eligible.

Transfers of excess personal property may be made among Federal agencies (which include wholly owned Government Corporations), to cost-reimbursement type contractors, and to the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, mixed-ownership Government corporations as defined in the Government Corporation Control Act (31 U.S.C. 841), the municipal government of the District of Columbia, or non-Federal agencies for which GSA procures, such as State forestry activities engaged in forest fire control, or Soil Conservation Districts.

### § 101–43.315–2 Information of availability.

There are several methods of obtaining reliable information regarding the availability of excess property. Agencies are encouraged to inspect or arrange for inspection of excess property, prior to placing an order, as a means of verifying description and condition. GSA regional

offices will make such inspection, upon request, to the extent of available manpower resources.

(a) Personal contact with GSA or the holding installation;

(b) Review of excess property catalogs and bulletins circularized by GSA;

(c) Submission of property requirements to the GSA regional offices, using GSA Form 1539, Request for Excess Personal Property; see § 101–43.4905 for instructions about acquisition and use of the form;

(d) Examination and inspection of reports and samples of excess property assembled for this purpose in GSA regional offices.

### § 101–43.315–3 Fair value reimbursement.

(a) All transfers of excess personal property shall be without reimbursement of fair value (the costs specified in § 101–43.317 will be chargeable to the transferee agency), except that such reimbursement shall be required when:

(1) The property transferred was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts and payment of fair value is requested. It is the current policy of the executive branch of the Government that transfers of working capital fund property shall be without reimbursement.

(2) Either the transferor or the transferee agency (or the organizational unit affected) is a wholly owned or a mixed-ownership Government Corporation as defined in the Government Corporation Control Act (31 U.S.C. 841), is the municipal government of the District of Columbia, or is a non-Federal agency when the function of a Federal agency authorized to procure for it is transferred to the General Services Administration. (See § 101–43.4905 for List of Government Corporations.)

(3) Reimbursement is directed by GSA.

(b) The fair value of excess property transferred with reimbursement pursuant to this § 43.315–3 shall be determined by the holding agency in accordance with the following formula:

| Fair value code | Explanation | Percentage of original or estimated acquisition cost |
|---|---|---|
| A | New or unused personal property falling in condition code designations N–1 and N–2 (see § 101–43.4902). | 20 |
| B | All other personal property | 0 |

(c) Where application of the above formula will not achieve the intended purpose because of special circumstances or the peculiar nature of the property, the holding agency may use other criteria for arriving at fair value if approved or directed by GSA. Where circumstances warrant, and the agencies concerned agree thereto, fair value prices higher than those arrived at by use of the formula specified in this § 101–43.315–3 may be used.

(d) Disagreement between agencies as to the fair value shall be referred for final determination to the Regional Administrator, GSA, for the region in which the property is located, or his designated representative.

### § 101–43.315–4 Transfer for redistribution.

(a) Any organizational unit of GSA authorized to perform redistribution functions is authorized to make necessary arrangements for the transfer to it for redistribution of available excess property in the custody of any Federal agency.

(b) Items reported as excess and determined by GSA to be suitable for redistribution within the Federal Government may be taken into physical custody by GSA and redistributed through an authorized organizational unit or, when notified, shall be retained by the holding agency until such time as redistribution is directed by GSA.

(c) Items which are identical to or can be substituted for items listed in GSA Stores Stock Catalog shall be supplied to agencies through the stores program of GSA at prices to be determined by GSA.

(d) To assure maximum redistribution of items available from excess, GSA may require from time to time that all orders for such items be forwarded to a GSA regional office until excess stocks are exhausted.

### § 101–43.315–5 Procedure for effecting transfers.

(a) All transfers of excess personal property between Federal agencies shall be accomplished by use of Standard Form 122, Transfer Order Excess Personal Property (see § 101–43.4906). Each transferee agency shall forward the original and three copies of SF 122 to the appropriate GSA regional office (see § 101–43.4903) for approval. Such prior approval need not be obtained where the property involved in the given transaction is:

(1) Reportable under § 101–43.311 but has not yet been reported to GSA and its total acquisition cost does not exceed $1,000, and the owning agency's regulations relative to internal redistribution have been satisfied; or

(2) Nonreportable under § 101–43.311 and has not been reserved at the holding location for special screening by the appropriate GSA regional office.

(3) An information copy of each direct transfer order shall be furnished by the transferee agency to the appropriate GSA regional office within ten days from the date of the order.

(b) Transfer order shall be completed in accordance with the example (§ 101–43.4906).

(c) When articles are offered for transportation, the condition of the articles shall be shown on the bill of lading. In order that the Federal Government may obtain the most economical rates for the movement of excess personal property in other than new condition, particular attention shall be given to the use of the appropriate classification description as required by carriers' tariffs.

(d) In approving transfer orders, GSA will take into consideration national defense requirements, emergency needs, equitable distribution, transportation costs, and other appropriate factors. If there are no other compelling factors, transfer order will be approved on a "first come, first served" basis.

(e) A copy of each approved or disapproved transfer order will be returned to the ordering agency by GSA regional office with appropriate notation. Two copies of approved orders will be appropriately noted and transmitted by the GSA regional office to the holding agency for transfer action. Any billing by the holding agency shall be accomplished in accordance with § 101–43.317.

(f) (1) If the transfer order does not contain complete shipping instructions, the transferee agency is required to transmit these to the holding activity within 15 days after receipt of the transfer order by the holding activity in the case of domestic shipments, or 45 days in the case of export shipments. The holding activity will communicate failure to receive such shipping instructions to the GSA regional office which approved the transfer.

(2) If the transfer order indicates the property is to be picked up by the transferee agency, this action must be accomplished within 20 days from the time such agency is notified by the property custodian that the shipment is ready. The holding activity will communicate with the GSA regional office concerning the failure of the transferee agency to pick up property within the allotted time.

(g) Whenever a transfer order covers excess property which has deteriorated materially below the reported condition, the holding agency shall advise the GSA regional office of its current condition. The GSA regional office will so advise the ordering agency. Shipment will not be made until the ordering agency has advised the GSA regional office that the existing condition is acceptable, and the GSA regional office has so advised the holding agency.

(1) Holding activities will carry out shipping instructions within 20 days from receipt or make property available for pickup promptly.

(2) If the holding activity is unable to ship or deliver as required, the ordering activity must be advised of the reason for delay and scheduled shipping or delivery date.

### § 101–43.315–6 Report on condition and description.

Transferee Federal agencies are encouraged to advise the appropriate GSA regional office of instances in which the condition or description of excess items they acquired was improperly reported to them. This action shall not be taken when the items involved were inspected by the transferee agency.

### § 101–43.316 Contractor inventory.

Subject to the limitations contained in this Part 101–43, and Parts 101–44 and 101–45, any executive agency may authorize any of its contractors or their subcontractors to retain or dispose of any contractor inventory under such orders as such agency may prescribe.

### § 101–43.316–1 Utilization.

(a) Each executive agency shall provide for use of contractor inventory within such agency to the maximum extent feasible, prior to retention or disposal by a contractor. In addition, each executive agency shall comply with the utilization requirements and procedures in Part 101–43 with respect to the following types of contractor inventory:

(1) Typewriting machines; office furniture, machines, equipment, and supplies; motor vehicles and automotive equipment; printing and binding equipment; construction equipment (except hand tools); and all items included in the GSA Stores Stock Catalog.

(2) Types of property for which known requirements exist either in the contracting agency or other Federal agencies. Contractors shall be kept currently advised by the contracting agency of such types.

(3) Excess property, the quantity or dollar amount of which is substantial, in accordance with criteria established by each agency, or as may be directed from time to time by GSA.

(4) Atomic Energy Commission—controlled materials.

(5) Narcotics.

(6) Intangible personal property.

(7) Strategic and critical materials.

(8) Such other types of property as may, from time to time, be designated by GSA.

(b) In the case of contractor-owned contractor inventory, compliance with the utilization requirements and procedures in Part 101–43 with respect to the categories in § 101–43.316–1 should ordinarily occur prior to the Government's exercising the applicable option to take over such property. When utilization efforts disclose that an agency will accept transfer of such property, the appropriate agency shall take the necessary action to acquire title for the Government.

### § 101–43.317 Costs and proceeds.

### § 101–43.317–1 Cost of care and handling.

Each holding agency shall be responsible for and bear the costs of performing care and handling of excess pending disposition. The direct costs incurred incident to the transfer shall be borne by the transferee agency. Overhead or administrative costs or charges shall not be included. Only costs incurred in the actual packing, preparation for shipment, and loading may be recovered by the holding agency; and where such costs are incurred, they shall be reimbursed by the transferee agency upon appropriate billing, unless the holding agency waives the amount involved as being uneconomical or impracticable to collect. For example, collection of amounts of $15 or less where a transaction is otherwise without exchange of funds would appear uneconomical.

In those cases where reimbursement for fair value is to be made, the fair value proceeds shall be deposited in the Treasury to miscellaneous receipts or the appropriate agency account by the transferee agency with a copy of the deposit action furnished the agency determining the property to be excess.

### § 101–43.318 Determination of excess as surplus.

### § 101–43.318–1 Reportable property.

Excess property reported to GSA, and not transferred to other agencies, shall be deemed surplus only when released by the Administrator of General Services. Property so reported will be released for disposal as surplus at the earliest possible time consistent with utilization objectives.

### § 101–43.318–2 Nonreportable property.

Executive agencies having property not required to be reported shall, after screening for a reasonable time in accordance with § 101–43.306 and finding no need for such property, determine it to be surplus.

### § 101–43.318–3 Donation and sale of surplus property.

Property determined to be surplus in accordance with § 101–43.318 shall not be offered for sale until a period of 15 calendar days has been afforded for donation program screening, in accordance with Part 101–44.

### § 101–43.319 Performance reports.

A quarterly performance report of the utilization of excess property shall be submitted to GSA on Standard Form 121, Revised, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property (§ 101–43.4907).

## Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

### § 101–43.400 Scope of subpart.

This Subpart 101–43.4 prescribes the policies and methods for the utilization and transfer within the Government of abandoned and forfeited personal property which may come into the custody or control of any Federal agency in the United States, Puerto Rico, and the Virgin Islands. Such property located elsewhere shall be utilized and transferred in accordance with the regulations of the agency having custody thereof.

### § 101–43.401 Definitions.

As used in this Subpart 101–43.4, the following terms have the meanings set forth in this § 101–43.401.

(a) "Distilled spirits": Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

(b) "Forfeited": Forfeitures, whether by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

(c) "Malt beverage": A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(d) "Property": All personal property, including but not limited to vessels, vehicles, aircraft, and alcoholic beverages.

(e) "Regional Administrator": General Services Administration, Region 3, Regional Administrator, Washington, D.C., 20407.

(f) "Wine": (1) Wine as defined in Sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385), as now in force or hereafter amended, and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

### § 101–43.402 Sources of property available for utilization.

Property available for utilization under this § 101–43.402 may result from property which has been abandoned to any Federal agency, in such a manner as to vest title to the property in the United States, and property which has been seized by an authorized agency of the Government and forfeited.

### § 101–43.403 Custody of property.

GSA generally will not take possession of property that is forfeited or abandoned. Holding agencies shall retain custody of and be responsible for the property until it is delivered or shipped to a duly authorized receiving Federal agency, or otherwise disposed of after release by the Regional Administrator.

(a) In the case of forfeiture of any firearms subject to disposal under the Internal Revenue Code of 1954, GSA will take custody of such firearms, or direct the disposition thereof (including retention for official use by the Treasury Department at the written request of the Secretary of the Treasury or his delegate), upon receipt of the report thereon required pursuant to § 101–43.406.

(b) GSA will take possession of forfeited or abandoned property it acquires for redistribution.

### § 101–43.404 Cost of care and handling.

Each holding agency shall be responsible for performing care and handling of abandoned and forfeited personal property pending disposition. If cost of storage, towing, care, handling, or transportation of property has been paid by the Federal agency which has custody thereof, any subsequent transferee agency should be advised as to such costs in advance of transfer; and such transferee agency shall reimburse the holding agency therefor upon appropriate billing, unless, because of the amount involved, the holding agency finds this uneconomical or impractical.

### § 101–43.405 Status of property assigned or transferred.

Any property delivered for official use under this part shall thereupon otherwise lose its identity as abandoned or forfeited property and, when no longer required for official use, shall be reported as excess in accordance with § 101–43.311.

### § 101–43.406 Reporting abandoned and forfeited personal property.

Federal agencies shall report promptly to the Regional Administrator, abandoned and forfeited property that comes into their custody and is not covered by the exceptions and modifications of this § 101–43.406, unless otherwise directed by GSA. Such property shall be reported as directed herein.

(a) Reports shall contain the following information:

(1) Name of the reporting Federal agency;

(2) Whether property was (i) voluntarily abandoned; (ii) forfeited otherwise than by court decree; or (iii) subject of a court proceeding, and, if so, the place and judicial district of court from which decree will be issued;

(3) Present official custodian of property, and address where property is located;

(4) Description and condition of property in sufficient detail to enable a decision to be made regarding its desirability and utility;

(5) Fair-market value of property as appraised by holding agency;

(6) Existence or probability of lien or claim of lien and amount involved;

(7) Charges incurred for hauling, transporting, towing, and storage to date of report and rate of storage charged;

(8) If the property is a motor vehicle: Type, make, model or year, body, color, capacity, speedometer reading, number of wheels, extra equipment, motor number, nature and probable cost of repairs necessary to put in serviceable condition, and condition of tires;

(9) If the property is a vessel or an aircraft: Type, manufacturer or builder, identifying official name or number, age, and description; and

(10) If the property is alcoholic beverages: Qualities and kinds (whether ethyl alcohol or hydrated oxide of ethyl; rye or bourbon or other whiskey and its brand, if any; sparkling or still wine and its color or brand; cordial, brandy, gin, etc.); proof rating and other qualities shown by test, number, and size of containers; condition (whether fit for human consumption, scientific, or mechanical purposes) and basis therefor; and condition for shipping.

(b) The following forfeited and abandoned property need not be reported:

(1) Forfeited arms or munitions of war condemned and handled pursuant to the provisions of section 1 of Title VI of the Act of June 15, 1917, as amended (22 U.S.C. 401);

(2) Forfeited firearms which are transferable by the holding agency to the Secretary of Defense;

(3) Abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes which the holding agency estimates will not, if offered for sale by competitive bid, bring a price equal to the internal revenue tax due and payable thereon; and which is subject to destruction, or delivery without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States;

(4) Scrap;

(5) Salvage;

(6) Animals;

(7) Any item or group of similar items, other than distilled spirits, wine, or malt beverages, or forfeited firearms, when such items are at any one location, and have a value of less than $100;

(8) Money and valuable securities;

(9) Perishable commodities and items prohibited by law from sale to the public, including, but not limited to, indecent or obscene articles;

(10) Property dangerous to public health or safety;

(11) Property not the subject of a court proceeding desired to be retained by the holding agency for official use;

(12) Property determined by competent authority to be classified for reasons of national security and otherwise handled in accordance with applicable provisions of law;

(13) Forfeited distilled spirits (including alcohol), wine, and malt beverages not fit for human consumption, or scientific or mechanical purposes. Domestic distilled spirits (other than alcohol), wine, and malt beverages not produced at a registered distillery, winery, or

brewery will be regarded as not fit for human consumption.

(14) Odd lots of distilled spirits consisting of any one seizure of less than five wine gallons, except that distilled spirits (other than alcohol) of any one kind and brand in excess of one wine gallon shall be reported;

(15) Effects of deserters from the Coast Guard or the military services, or of deceased persons of the Coast Guard or military services, or of deceased inmates of naval or soldiers' home of Government hospitals;

(16) Seeds, plants, or misbranded packages seized by the Department of Agriculture pursuant to authorities provided by law;

(17) Game and equipment (other than vessels, including cargo) seized by the Department of the Interior pursuant to authorities provided by law;

(18) Files of papers, dead letters, unclaimed printed matter, and nonmailable matter in the custody of the Postmaster General;

(19) Infringing articles in the custody of the Patent Office, Department of Commerce; and

(20) Motor vehicles which qualify for replacement under replacement standards provided in Part 101–38.

(c) The general rule for reporting abandoned and forfeited property is modified, hereby, with respect to the following:

(1) Narcotics, regardless of quantity, condition, or acquisition cost, shall be reported to the Bureau of Narcotics, Department of the Treasury, Washington, D.C., 20220.

(2) Vessels of 1,500 gross tons or more shall be reported to the Secretary of Commerce.

(3) Property, seized by one Federal agency, but adopted by another for prosecution under laws enforced by the adopting Federal agency shall be reported by the adopting agency to the extent and in the manner required by this section.

### § 101–43.407 Information of availability.

Property reported under § 101–43.406 and not required for assignment to the seizing agency will be made available by GSA to other Federal agencies by dissemination of information with respect to such property, in the following manner:

(a) Copies of reports submitted pursuant to § 101–43.406 will be made available for examination by authorized representatives of Federal agencies in the offices of the Regional Administrator.

(b) Notification by personal contact with Federal agencies believed to have an official use for the property.

(c) By circularization of lists of items believed to have special value or significance, to appropriate Federal agencies.

### § 101–43.408 Transfer of abandoned and forfeited personal property.

Except as to forfeited firearms subject to disposal under the Internal Revenue Code of 1954, the transfer of forfeited and abandoned personal property shall be accomplished by the submission of purchase orders to the Regional Administrator, for approval. Transfers of such forfeited firearms shall be accomplished as set forth in § 101–43.408–2.

### § 101–43.408–1 Transfer for official use to seizing agency.

The request for retention of property subject to court proceeding by a seizing agency for official use may be made by endorsing on the report at the time of submission or by subsequent memorandum to the Regional Administrator. Transfer of the property will be accomplished by the issuance by GSA of a suitable document authorizing the acquiring agency to take title on behalf of the Government.

### § 101–43.408–2 Transfers to other Federal agencies.

(a) Except for property which is subject to court action, purchase orders shall be submitted in an original and three copies, indicating the agency having the custody of the property as supplier, and showing, where such information is available, the report or case number on which the property is listed, the property required, location of the property, and the fair unit price and total amount. Purchase orders generally will be approved on a "first come, first served" basis, but other factors such as, but not limited to, urgency of need and transportation costs will be taken into consideration. When the purchase order is approved by GSA, a transfer document will be issued authorizing the agency to take title to the property for the Government.

(b) Property subject to court action may be obtained by the submission, to the Regional Administrator, of a memorandum setting forth the need for the property by the agency. If proceedings are being, or have been, commenced for the forfeiture of the property by court decree, application will be made by GSA to the court prior to entry of a decree for an order requiring delivery of the property to an appropriate recipient.

(c) Transfers of forfeited distilled spirits, wine, and malt beverages shall be limited to those for medicinal, scientific, or mechanical purposes, or for any other official purposes for which appropriated funds may be expended by a Government agency. Purchase orders for transfers shall be signed by the head of the requesting agency, or by officials designated by him to sign. Where these officials are designated to sign, the Regional Administrator, shall be advised of designees by letter over the signature of the head of the agency concerned. No purchase order will be acted upon unless signed as provided herein.

(d) Requests for the transfer of forfeited firearms subject to disposal under the Internal Revenue Code of 1954 shall be submitted in memorandum form addressed to the Regional Administrator, GSA. Such memorandum shall set forth the need for the property by the requesting agency.

### § 101–43.408–3 Transfers - reimbursement.

Except in the case of forfeited firearms subject to disposal under the Internal Revenue Code of 1954, reimbursement for transfers of forfeited property to other Federal agencies shall be in accordance with § 101–43.315. Reimbursement shall be required in connection with transfers of abandoned property. Transfers of forfeited firearms subject to disposal under the Internal Revenue Code of 1954 shall be without reimbursement.

### § 101–43.409 Proceeds.

### § 101–43.409–1 Billing.

Each holding agency shall be responsible for billing and collecting the fair value of property transferred to other agencies when reimbursement is required. See § 101–43.404 relating to the cost of care and handling.

### § 101–43.409–2 Disposition of proceeds.

(a) Reimbursement from the transfer of forfeited property shall be deposited by the transferor agency in the Treasury of the United States as miscellaneous receipts.

(b) Reimbursement from the transfer of abandoned property shall be deposited in a special fund for a period of at least three years. A former owner may be reimbursed from the special fund, based upon a proper claim filed within three years from the date of vesting of title in the United States as determined by the head of the transferor agency. Such reimbursement shall not exceed fair value at the time title was vested in the United States, less the costs incident to the care and handling of such property as determined by the head of the agency concerned.

## Subparts 101–43.5—101–43.48 [Reserved]

## Subpart 101–43.49—Illustrations

### § 101–43.4900 Scope of subpart.

This subpart prescribes lists and forms applicable in connection with the utilization of personal property.

NOTE: The forms in §§ 101–43.4902, 101–43.4902–1, 101–43.4902–2, 101–43.4904, 101–43.4904–1, 101–43.4906, 101–43.4906–1, 101–43.4907, and 101–43.4909 filed as part of the original document. Copies may be obtained from Central Office, GSA.

### § 101–43.4901 Excess personal property reporting requirements.

| FSC commodity | | | Not reportable to GSA | Reportable to GSA | Reportable requirements | |
|---|---|---|---|---|---|---|
| Code | Group classification title | Classes | | | Acquisition cost minimum line item value | Report in condition codes or better |
| 10 | Weapons | All | X | | | |
| 11 | Atomic ordnance | All | X | | | |
| 12 | Fire control equipment | All | X | | | |
| 13 | Ammunition and explosives. | All | X | | | |
| 14 | Guided missiles | All | X | | | |
| 15 | Aircraft and airframe structural components. | All except | | X | $500 | N4, E4, O4, R4. |
| | | 1510 fixed wing | | X | 500 | N4, E4, O4, R4. |
| | | 1520 rotary wing, including helicopters. | | X | | |
| 16 | Aircraft components and accessories. | All except | X | | | |
| | | 1670 parachutes | | X | 500 | N4, E4, O4, R4, X. |
| 17 | Aircraft launching, landing, and ground handling equipment. | All | X | | | |
| 19 | Ships, small craft, pontoons, and floating docks. | All except | | X | 500 | N3, E3, O3, R2. |
| | | Combat vessels and vessels over 1500 tons. | X | | | |
| | | 1945 pontoons and floating docks. | X | | | |
| | | 1950 floating drydocks | X | | | |
| 20 | Ship and marine equipment. | All | X | | | |
| 22 | Railway equipment | All except | | X | 500 | N3, E3, O3, R2. |
| | | 2240 locomotive and rail car accessories and components. | X | | | |
| 23 | Motor vehicles, trailers, and cycles. | All except | | X | 500 | N4, E4, O4, R4. |
| | | Armored and amphibious in class 2320. | X | | | |
| | | 2340 motorcycles, motor scooters, and bicycles. | | X | 500 | N3, E3, O3, R2. |
| | | 2350 tanks and self-propelled weapons. | X | | | |
| 24 | Tractors | All except | | X | 500 | N4, E4, O4, R4. |
| | | Cab, body and frame structural components and springs in classes 2410 and 2420. | X | | | |
| | | 2430 tractors, track laying, high speed. | X | | | |
| 25 | Vehicular equipment components. | All | X | | | |
| 26 | Tires and tubes | All except | | X | 300 | N2. |
| | | 2610 tires and tubes, pneumatic, except aircraft. | X | | | |
| 28 | Engines, turbines, and components. | All except | | X | 300 | N3, E2, O2. |
| | | 2805 gasoline reciprocating engines, except aircraft and components. | | X | 300 | N3, E2, O2. |
| | | 2815 diesel engines and components. | X | | | |
| 29 | Engine accessories | All | X | | | |
| 30 | Mechanical power transmission equipment. | All | X | | | |
| 31 | Bearings | All | | X | 300 | N3, E3, O3 R2. |
| 32 | Woodworking machinery and equipment. | All | | X | 500 | N3, E3, O3, R2. |
| 34 | Metalworking machinery | All | | X | | |
| 35 | Service and trade equipment. | All | | X | 300 | N3, E3, O3, R2. |
| 36 | Special industry machinery. | All except | | X | 300 | N3, E3, O3, R2. |
| | | 3695 miscellaneous special industry machinery. | X | | | |
| 37 | Agricultural machinery and equipment. | All | | X | 500 | N3, E3, O3, R2. |
| 38 | Construction, mining, excavating, and highway maintenance equipment. | All except | | X | 500 | N4, E4, O4, R4. |
| | | 3835 petroleum production and distribution equipment. | X | | | |
| | | 3805 earth moving and excavating equipment. | | X | 500 | N4, E4, O4, R4. |
| | | 3810 cranes and crane-shovels. | | X | 500 | N3, E3, O3, R2. |
| | | 3815 crane and crane-shovel attachments. | | X | 500 | N3, E3, O3, R2. |
| | | 3820 mining, rock drilling, earth boring, and related equipment. | | X | 500 | N4, E4, O4, R4. |
| | | 3825 road clearing and cleaning equipment. | | X | 500 | N3, E3, O3, R2. |
| | | 3830 truck and tractor attachments. | | X | 500 | N4, E4, O4, R4. |
| | | 3895 miscellaneous construction equipment. | | X | 300 | N3, E3, O3, R2. |
| 39 | Materials handling equipment. | All except | | X | 300 | N3, E3, O3, R2. |
| | | 3940 blocks, tackle, rigging, and slings. | X | | | |
| 40 | Rope, cable, chain, and fittings. | All | | X | 300 | N3, E3, O3, R2. |
| 41 | Refrigeration and air-conditioning equipment. | All | | X | 300 | N3, E3, O3, R2. |
| 42 | Fire fighting, rescue, and safety equipment. | All except | | X | 500 | N3, E3, O3, R2. |
| | | 4220 marine lifesaving and diving equipment. | X | | | |
| | | 4230 decontaminating and impregnating equipment. | X | | | |
| 43 | Pumps and compressors | All | | X | 500 | N3, E3, O3. |
| 44 | Furnace, steam plant, and drying equipment. | All except | | X | 300 | N3, E3, O3, R2. |
| | | 4420 heat exchangers and steam condensers. | X | | | |
| | | 4440 driers, dehydrators, and anhydrators. | X | | | |
| 45 | Plumbing, heating, and sanitation equipment. | All | | X | 500 | N3, E3, O3, R2. |
| 46 | Water purification and sewage treatment equipment. | All | | X | 300 | N3, E3, O3, R2. |
| 47 | Pipe, tubing, hose, and fittings. | All | | X | 500 | N3, E2. |
| 48 | Valves | All | X | | | |
| 49 | Maintenance and repair shop equipment. | All except | | X | 300 | N3, E3, O3, R2. |
| | | 4910 motor vehicle maintenance and repair shop specialized equipment. | | X | 300 | N3, E3, O3, R2. |
| | | 4930 lubrication and fuel dispensing equipment. | | X | 300 | N3, E3, O3, R2. |
| | | 4940 miscellaneous maintenance and repair shop specialized equipment. | | X | 300 | N3, E3, O3, R2. |
| 51 | Hand tools | All | | X | 300 | N3, E3, O3, R2. |
| 52 | Measuring tools | All | | X | 300 | N3. |
| 53 | Hardware and abrasives | All | | X | 500 | N3, E2, O3. |
| 54 | Prefabricated structures and scaffolding. | All except | X | | | |
| | | 5420 bridges, fixed and floating. | | | | |

| FSC commodity | | | Not reportable to GSA | Reportable to GSA | Reportable requirements | |
|---|---|---|---|---|---|---|
| Code | Group classification title | Classes | | | Acquisition cost minimum line item value | Report in condition codes or better |
| 55 | Lumber, millwork, plywood, and veneer. | All | | x | 100 | N3. |
| 56 | Construction and building materials. | All except | | x | 300 | N3. |
| | | Sand, gravel, and stone in class 5610. | x | | | |
| 58 | Communication equipment. | All except | x | | | |
| | | 5805 telephone and telegraph equipment. | | x | 500 | N3, E3, O3, R2. |
| | | 5815 teletype and facsimile equipment. | | x | 500 | N3, E3, O3, R2. |
| | | 5820 radio and television communication equipment, except airborne. | | x | 500 | N3, E3, O3, R2. |
| | | 5830 intercommunication and public address systems, except airborne. | | x | 500 | N3, E3, O3, R2. |
| | | 5835 sound recording and reproducing equipment. | | x | 500 | N3, E3, O3, R2. |
| 59 | Electrical and electronic equipment components. | All except | x | | | |
| | | 5965 headsets, handsets, microphones and speakers. | | x | 300 | N3, E3, O3, R2. |
| | | 5975 electrical hardware and supplies. | | x | 300 | N3, E3, O3, R2. |
| 61 | Electric wire, and power and distribution equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 62 | Lighting fixtures and lamps. | All except | | x | 300 | N3. |
| | | 6210 indoor and outdoor electric lighting fixtures. | x | | | |
| | | 6220 electric vehicular lights and fixtures. | x | | | |
| | | 6260 nonelectrical lighting fixtures. | x | | | |
| 63 | Alarm and signal systems. | All | x | | | |
| 65 | Medical, dental, and veterinary equipment and supplies. | All except | x | x | 300 | N3, E3, O3, R2. |
| | | 6505 drugs, biologicals, and official reagents. | x | | | |
| | | 6510 surgical dressing materials. | | x | 300 | N1. |
| 66 | Instruments and laboratory equipment. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 6605 navigational instruments. | x | | | |
| | | 6610 flight instruments | x | | | |
| | | 6615 automatic pilot mechanisms and airborne gyro components. | x | | | |
| | | 6620 engine instruments | x | | | |
| | | 6655 geophysical and astronomical instruments. | x | | | |
| | | 6665 hazard-detecting instruments and apparatus. | x | | | |
| | | 6680 liquid and gas flow, liquid level, and mechanical motion measuring instruments. | x | | | |
| 67 | Photographic equipment | All except | | x | 300 | N3, E3, O3, R2. |
| | | Outdated film in class 6750. | | x | 300 | N4. |
| | | 6770 film, processed | x | | | |
| 68 | Chemicals and chemical products. | All | | x | 300 | N3. |
| 69 | Training aids and devices. | All | x | | | |
| 71 | Furniture | All except | | x | 300 | N3, E3, O3, R2. |
| | | 7110 office furniture | | x | 100 | N4, E4, O4, R4. |
| 72 | Household and commercial furnishings and appliances. | All | | x | 300 | N3, E3, O3, R2. |
| 73 | Food preparation and serving equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 74 | Office machines | All | | x | 100 | N3, E3, O3, R2. |
| 75 | Office supplies | All | | x | 100 | N3. |
| 76 | Books, maps, and other publications. | All except | | | | |
| | | 7610 books and pamphlets. | x | x | 500 | N2, E2, O2. |
| 77 | Musical instruments, phonographs, and home type radios. | All | | x | 300 | N3, E3, O3, R2. |
| 78 | Recreational and athletic equipment. | All | | x | 100 | N3, E3, O3, R2. |
| 79 | Cleaning equipment and supplies. | All except | | x | 300 | N3, E3, O3, E2. |
| | | 7930 cleaning and polishing compounds and preparations. | | x | 300 | N3. |
| 80 | Brushes, paints, sealers, and adhesives. | All | | x | 300 | N3. |
| 81 | Containers, packaging, and packing supplies. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 8125 bottles and jars | x | | | |
| | | 8130 reels and spools | x | | | |
| | | 8140 ammunition boxes, packages, and special containers. | x | | | |
| 83 | Textiles, leather, and furs. | All except | | x | 300 | N3. |
| | | 8305 textile fabrics | | x | 300 | N3, E3, O3, R2. |
| | | 8340 tents and tarpaulins. | | x | 300 | N3, E3, O3, R2. |
| | | 8325 fur materials | x | | | |
| | | 8345 flags and pennants | x | | | |
| 84 | Clothing and individual equipment. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 8455 badges and insignia | x | | | |
| | | Leggings, military headgear, navy jacket jumpers, and pistol belts (in other classes). | x | | | |
| 85 | Toiletries | All | | x | 300 | N2. |
| 87 | Agricultural supplies | All | x | | | |
| 88 | Live animals | All | x | | | |
| 89 | Subsistence | All except | x | | | |
| | | 8965 beverages, alcoholic | | x | 300 | N3. |
| 91 | Fuels, lubricants, oils, and waxes. | All except | | x | 500 | N3. |
| | | Oil stripped from vessels in class 9140. | x | | | |
| 93 | Nonmetallic fabricated materials. | All | | x | 300 | N3. |
| 94 | Nonmetallic crude materials. | All | x | | | |
| 95 | Metal bars, sheets, and shapes. | All | | x | 300 | N4. |
| 96 | Ores, minerals, and their primary products. | All | x | | | |
| 99 | Miscellaneous | All except | | x | 300 | N2. |
| | | 9999 miscellaneous items | | x | 300 | N3, E3, O3, R2. |

§ 101–43.4902 Standard Form 120, Report of Excess Personal Property.

§ 101–43.4902–1 Instructions for preparing Standard Form 120.

§ 101–43.4902–2 Standard Form 120A, Continuation Sheet (Report of Excess Personal Property).

§ 101–43.4903 Regional Offices' addresses and assigned areas.

| *Regional office address* | *Regional area for supply support* |
|---|---|
| General Services Administration Region 1, Post Office and Courthouse, Boston, Mass., 02109. | Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. |
| General Services Administration Region 2, 30 Church Street, New York, N.Y., 10007. | Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands. |
| General Services Administration Region 3, Washington, D.C., 20407. | District of Columbia, Maryland, Virginia, and West Virginia. |
| General Services Administration Region 4, 1776 Peachtree Street NW., Atlanta, Ga., 30309. | Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, and Tennessee. |
| General Services Administration Region 5, 219 South Dearborn Street, Chicago, Ill., 60604. | Illinois, Indiana, Kentucky, Ohio, Michigan, and Wisconsin. |
| General Services Administration Region 6, 1500 East Bannister Road, Kansas City, Mo., 64131. | Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. |
| General Services Administration Region 7, 1114 Commerce Street, Dallas, Tex., 75202. | Arkansas, Louisiana, Oklahoma, and Texas. |
| General Services Administration Region 8, Building 41, Denver Federal Center, Denver, Colo., 80225. | Arizona, Colorado, New Mexico, Utah, and Wyoming. |
| General Services Administration Region 9, 49 Fourth Street, San Francisco, Calif., 94103. | California, Hawaii, Nevada, and Pacific Ocean areas. |
| General Services Administration Region 10, GSA Center, Auburn, Wash., 98002. | Alaska, Idaho, Montana, Oregon, and Washington. |

§ 101–43.4904 GSA Form 1539, Request for Excess Personal Property.

§ 101–43.4904–1 Instructions for preparing GSA Form 1539.

§ 101–43.4905 List of Government Corporations (31 U.S.C. 846, 856).

Wholly owned and mixed ownership Government Corporations are not necessarily limited to those listed below.

WHOLLY OWNED GOVERNMENT CORPORATIONS

Commodity Credit Corp.
Regional Agricultural Credit Corps.
Farmers Home Corp.
Federal Crop Insurance Corp.
Federal National Mortgage Assn.
Virgin Islands Corp.
Federal Prison Industries Inc.
Development Loan Fund.
Export-Import Bank of Washington.
Federal Public Housing Authority (or Public Housing Adm.) and including public housing projects financed from appropriated funds and operations thereof.
Federal Savings and Loan Insurance Corp.
Federal Housing Adm.
Saint Lawrence Seaway Development Corp.
Panama Canal Co.
Tennessee Valley Authority.

MIXED-OWNERSHIP GOVERNMENT CORPORATIONS

Central Bank for Cooperatives and the Regional Banks for Cooperatives.
Federal Land Banks.
Federal Intermediate Credit Banks.
Federal Home Loan Banks.
Federal Deposit Insurance Corp.

§ 101–43.4906 Standard Form 122, Transfer Order Excess Personal Property.

§ 101–43.4906–1 Instructions for preparing Standard Form 122.

§ 101–43.4907 Standard Form 121, Quarterly Report Utilization and Disposal of Excess and Surplus Personal Property.

§ 101–43.4908 Exchange/sale category list.

In the acquisition, exchange, or sale of property in the categories below, both the item to be acquired and the item to be replaced must fall within a single numbered category.

1. Agriculture products, processed foods and forage.
2. Air-conditioning units, office and residential.
3. Air-conditioning units, industrial.
4. Ambulances, all sizes.
5. Ammunition and ammunition components.
6. Animals and animal products.
7. Asphalt distributors.
8. Asphalt pavers, portable or road mix.
9. Batteries, storage.
10. Bicycles; tricycles.
11. Binoculars; field glasses; telescopes.
12. Boilers, steam.
13. Buses, all sizes.
14. Cards, tabulating.
15. Compressors, air, portable.
16. Compressors, air, stationary.
17. Crawler, wheel mounted, and railroad cranes (including shovels and drag lines).
18. Crane trucks, industrial warehouse, electric and gasoline powered.
19. Ditching machines.
20. Dozer blades.
21. Drill presses.
22. Earth augers.
23. Fans, electric.
24. Graders, self-powered and towed.
25. Lathes.
26. Machines, adding; machines, calculating.
27. Machines, addressing and mailing.
28. Machines, dictating and transcribing.
29. Machines, duplicating.
30. Machines, punched card, bookkeeping, tabulating and accounting.
31. Milling machines.
32. Mixers, concrete, portable or truck mounted.
33. Motor scooters.
34. Motorcycles with or without side car.
35. Mowers, lawn, power.
36. Pile drivers.
37. Polishers, floor, powered.
38. Pontoon, assemblies.
39. Power shovels.
40. Railroad cars, freight.
41. Railroad cars, passenger.
42. Railroad cars, service.
43. Railroad locomotives.
44. Refrigeration equipment.
45. Refrigerators.
46. Road rollers, wheeled and sheepsfoot.
47. Saws, bench.
48. Scrapers, earth moving (self-powered).
49. Scrapers, earth moving, towed.
50. Sedans; station wagons, coupes; limousines.
51. Snow plows, motorized.
52. Spreaders, aggregate and lime.
53. Tractor, warehouse.
54. Tractors, wheeled or crawler, with or without special attachments, up to 65 h.p.
55. Tractors, wheeled or crawler, with or without special attachments, 65 h.p. and up.
56. Trailers, general purpose, multiple axle.
57. Trailers, general purpose, single axle.
58. Trailers, industrial.
59. Trailers, special purpose (including fire pumper and Bean type sprayer and crash trailer).
60. Trailers, tank mounted.
61. Trucks, electronic.
62. Trucks, fire.
63. Trucks, forklift.
64. Trucks, general purpose, cargo and construction, 12,500 GVW through 28,000 GVW (including truck tractors, dump, multiple drive, etc.).
65. Trucks, general purpose and utility up to 12,500 GVW (including suburbans, carryalls and sedan deliveries).
66. Trucks, straddle.
67. Trucks, tank (special purpose trailer of which the tank is an integral part of the construction).
68. Trucks, warehouse, platform, electric and gasoline powered.
69. Typewriters, manual and electric.

§ 101–43.4909 Specimen description of reported excess EDP equipment.

# PART 101–44—DONATION OF PERSONAL PROPERTY


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Subpart 101–44.49—Illustrations

101–44.4901 Standard Form 123, Application for Donation of Surplus Personal Property.
101–44.4902 Standard Form 123A, Application for Donation of Surplus Personal Property—Continuation Sheet.
101–44.4903 Standard Form 123, Instructions for Preparation and Processing.
101–44.4904 GSA Form 18, Statement on Behalf of Eleemosynary Institutions.


AUTHORITY: The provisions of this Part 101–44 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the Commonwealth of Puerto Rico, and the Virgin Islands.

## Subpart 101–44.1—General Provisions

### § 101–44.101 Needs of Federal agencies paramount.

Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding agency prior to shipment or delivery in the case of donation.

### § 101–44.102 Care and handling pending disposal.

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

### § 101–44.103 Assistance in major disaster relief.

Surplus equipment and supplies shall be donated to State governments to provide assistance in alleviating suffering and damage resulting from major disasters, in accordance with the directions of the Office of Emergency Planning, Executive Office of the President, pursuant to the Act of September 30, 1950 (Pub. Law 875, 81st Cong.; 42 U.S.C. 1855 et seq.); Executive Order No. 10427 of January 16, 1953 (3 CFR), as amended; Executive Order No. 10737 of October 29, 1957 (3 CFR), as amended; and section 405 of Executive Order No. 11051 of September 27, 1962 (3 CFR).

## Subpart 101–44.2—Definition of Terms

### § 101–44.201 Definitions.

As used throughout this Part 101–44, the terms which follow have the meanings set forth in this § 101–44.201.

### § 101–44.201–1 Agricultural commodity.

A product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

### § 101–44.201–2 Distilled spirits.

Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

### § 101—44.201–3 Donable property.

Surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to 10 U.S.C. 2208, or in similar management-type funds) except:

(a) Such property as may be specified from time to time by the Administrator of General Services.

(b) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization.

(c) Property in trust funds.

### § 101–44.201–4 Donee.

A service educational activity; a State, political subdivision, municipality, or tax-supported institution acting on behalf of a public airport; an eligible educational, public health, or civil defense institution or organization, acting by and through a State agency for surplus property; the American National Red Cross; a public body; or an eleemosynary institution.

### § 101–44.201–5 Educational institution.

Any tax-supported school system, school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station, and any nonprofit school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station which are exempt from taxation under section 501 (c)(3) of the Internal Revenue Code of 1954, and any public library which serves free all residents of a community, district, State, or region, and receives its financial support in whole or in part from public funds.

### § 101–44.201–6 Eleemosynary institution.

Any nonprofit institution organized and operated for charitable purposes, whose net income does not inure in whole or in part to the benefit of shareholders or individuals, which shall have filed with the Regional Administrator, GSA Region 3, a satisfactory statement establishing such status.

### § 101–44.201–7 Forfeited.

Forfeitures, whether by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

### § 101–44.201–8 Holding agency.

The executive agency which has accountability for the property involved.

### § 101–44.201–9 Local government.

A government, or administration of a locality, within a State or possession of the United States.

### § 101–44.201–10 Malt beverage.

A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

### § 101–44.201–11 Motor vehicle.

Any vehicle, self-propelled or drawn by mechanical power, designed to be principally operated on the highways in

the transportation of property or passengers.

**§ 101–44.201–12 Narcotics.**

The following drugs or preparations thereof:

(a) Opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

(b) Isonipecaine (demarol);

(c) Any drug found by the Secretary of the Treasury and proclaimed by the President to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, such as methadon (delephine, adanon) and nisentil; and

(d) Marihuana (Cannabis Sativa L.).

**§ 101–44.201–13 No commercial value.**

Personal property which is not usable and cannot economically be rehabilitated by anyone for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

**§ 101–44.201–14 Public body.**

Any State, Territory, or possession of the United States, any political subdivision thereof, the District of Columbia, any agency or instrumentality of any of the foregoing, or any agency of the Federal Government.

**§ 101–44.201–15 Public health institution.**

Any tax-supported medical institution, hospital, clinic, and health center, any other nonprofit medical institution, hospital, clinic, and health center which has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any State department of health or other State agency designated by State law to receive property for and distribute it to such tax-supported and nonprofit medical institutions, hospitals, clinics, and health centers within the State.

**§ 101–44.201–16 Service educational activity.**

Any educational activity designated by the Secretary of Defense as being of special interest to the armed services, such as maritime academies or military, naval, Air Force, or Coast Guard preparatory schools.

**§ 101–44.201–17 State agency for surplus property.**

The agency designated by State law to receive surplus personal property for distribution to eligible educational, public health, and civil defense institutions or organizations.

**§ 101–44.201–18 Surplus personal property**

Any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

**§ 101–44.201–19 Wine.**

(a) Wine as defined in sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385) as now in force or hereafter amended, and

(b) Other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

## Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

**§ 101–44.300 Scope.**

This subpart prescribes the authorities, responsibilities, policies, and methods governing the donation of surplus personal property to educational activities which are of special interest to the armed services; for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose; and, to any State, political subdivision, municipality, or tax-supported institution for use in the development, improvement, operation, or maintenance of a public airport.

**§ 101–44.301 Authority and responsibility.**

(a) The Administrator of General Services is authorized to make donations in his discretion for purposes of education, public health, or civil defense, or for research for any such purpose; and for public airport purposes. In exercising his discretion, the Administrator of General Services may elect not to approve donations whenever he believes such action to be in the public interest.

(b) The Administrator of General Services is basically responsible for the care and handling of surplus property in the custody of State agencies for surplus property pending its disposition. The Department of Health, Education, and Welfare, however, will supervise the care and handling of such property while it is in the custody of a State agency for surplus property, pending its disposition to eligible donees. In order to insure that the basic responsibility of the Administrator of General Services in this regard is affirmatively carried out, regional GSA officials will periodically visit State warehouses. Such visits will be coordinated with regional representatives of the Department of Health, Education, and Welfare.

(c) Pursuant to the provisions of section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the Administrator of General Services will be provided an opportunity to disapprove, within thirty days after notice, any of the following actions proposed to be taken by the Secretary of Health, Education, and Welfare with respect to personal property donated for educational or public health purposes, or the Secretary of Defense with respect to personal property donated for civil defense purposes, which had a unit acquisition cost of $2,500 or more, and on which the terms, conditions, reservations, or restrictions, as stipulated in the transfer instrument by which the property was acquired, have not expired;

(1) Enforcement of compliance with the terms and conditions under which property was transferred for donation;

(2) The correction or amendment of instruments by which transfers were made; and

(3) The granting of releases from terms and conditions contained in such instruments and the release of any interest reserved to the United States by such instruments.

**§ 101–44.302 Agency responsibility.**

(a) *Department of Defense.* (1) In the case of surplus property under the control of the Department of Defense, the Secretary of Defense is responsible for determining whether such property is usable and necessary for service educational activities. He also determines whether surplus property of all executive agencies is usable and necessary for civil defense purposes, including research.

(2) The Secretary is responsible for allocating surplus property on the basis of need and utilization for transfer by the Administrator of General Services to service educational activities.

(3) The Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of surplus property donated for civil defense purposes which had an acquisition cost of $2,500 or more. The Secretary also is responsible, with regard to surplus property transferred for civil defense purposes, for enforcement of compliance with the terms and conditions of transfer; the correction or amendment of the transfer instrument; and the granting of releases from any terms and conditions, and the release of any interest reserved to the Government, contained in the transfer instrument.

(b) *Department of Health, Education, and Welfare.* (1) The Secretary of

Health, Education, and Welfare determines whether surplus property is usable and necessary for purposes of education or public health, or for research for any such purpose.

(2) The Secretary is responsible for allocating surplus property on the basis of need and utilization for transfer by the Administrator of General Services to State agencies for surplus property for distribution to eligible educational and public health institutions and by delegation from the Secretary of the Army to civil defense organizations. He will determine that State agencies for surplus property conform to minimum standards of operation which he has prescribed.

(3) The Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of surplus property donated for educational and public health purposes which had an acquisition cost of $2,500 or more. The Secretary also is responsible, in regard to surplus property transferred for educational and public health purposes, for enforcement of compliance with the terms and conditions of transfer; the correction or amendment of the transfer instrument; and the granting of releases from any terms and conditions, and the release of any interest reserved to the Government, contained in the transfer instrument.

(c) *Federal Aviation Agency.* (1) The Administrator of the Federal Aviation Agency determines whether surplus property is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and foreseeable future requirements for development, improvement, operation, or maintenance of a public airport.

(2) The Administrator of the Federal Aviation Agency also is responsible for determining and enforcing compliance with the terms and conditions under which surplus property is transferred. The agency is also authorized to remove or permit the removal of certain restrictions against the use of such property which prevent or hamper the accomplishment of the purpose contemplated by the transfer.

**§ 101–44.303 Costs incurred incident to donation.**

Direct costs incident to donation shall be borne by the donee. Overhead or administrative costs or charges shall not be included. Only direct costs incurred in the actual packing, preparation for shipment, and loading may be recovered by the holding agency. Where such costs are incurred they shall be reimbursed by the donee upon appropriate billing, unless the holding agency waives the amount involved as being uneconomical or impractical to collect. For example, collections of amounts of less than $100 for any single shipment would appear uneconomical. Payment of all transportation costs shall be borne by the donee.

**§ 101–44.304 Donation screening period.**

A period of 15 calendar days following the automatic release date shall be provided in which to set aside surplus property determined to be usable and necessary for donation purposes. Reportable surplus property will be set aside for donation when an application for donation is submitted for approval within the donation screening period to a GSA regional office, with an informational copy to the holding agency. Nonreportable surplus property will be set aside for donation upon notification to a holding agency, within the donation screening period, by a responsible Federal official or by an authorized donee representative, that the property is usable and necessary for donation purposes. Surplus property will be available for donation on a first-come, first-served basis. However, during the prescribed 15-day screening period service educational activities shall be accorded a priority of issue during the first 5 days for reportable property of the Department of Defense.

**§ 101–44.305 Cooperation of holding agencies.**

Holding agencies shall cooperate with all agencies authorized to participate in the donation program, and their duly accredited representatives, in locating and inspecting donable property. Upon reasonable request, holding agencies shall make available to these agencies or their representatives complete information regarding the quantity, description, condition, and location of donable property in their inventories. Holding agencies, however, need not prepare or mail reports or listings not otherwise required by their procedures.

**§ 101–44.306 Application for donation.**

All donations of surplus personal property for educational, public health, civil defense, service educational activities, and public airports shall be accomplished by use of Standard Form 123, Application for Donation of Surplus Personal Property (illustrated at sec. 101–44.4901), and Standard Form 123A, Application for Donation of Surplus Personal Property—Continuation Sheet (illustrated at § 101–44.4902). The original and three copies of SF 123 will be forwarded to the appropriate GSA regional office for approval, with an informational copy to the holding agency. (Use of Standard Forms 123 and 123A will become effective March 1, 1965. Until then, the present donation forms, and related procedures, shall be used.)

**§ 101–44.307 Preparation and processing of applications.**

Applications for donation shall be prepared and processed in accordance with the instructions illustrated at § 101–44.4903.

**§ 101–44.308 Approval of applications.**

No surplus property will be released by a holding agency for donation until it has received SF 123 bearing the signed approval of the appropriate GSA regional office. In approving donation applications, full effect will be given to the 5-day priority afforded service educational activities for reportable property of the Department of Defense; otherwise, all donation applications received in proper form will be approved on a first-come, first-served basis. Donation applications which are not fully or properly prepared may be returned to the applicant or held in suspense until required information is made available. Upon request of GSA regional offices, donees will submit any additional information required to support and justify a donation application. Donation applications will not be held to the end of the screening period, but will be approved and distributed as expeditiously as possible. Requests for donation received after the end of the donation screening period may be approved if the property is still available and the holding activity has agreed to set the property aside pending receipt of donation approval.

**§ 101–44.309 Disapproval of applications.**

Donation applications will be disapproved, in whole or in part, when it is determined that it is in the public interest to do so, when there is a substantive defect in the application, or when a transfer of the property to a Federal agency is pending. The donee and the holding activity will be advised, in writing, why the application was disapproved. If a donation transfer is disapproved because of a pending Federal transfer and the transfer is not completed subsequently, the donee will be advised to resubmit an application.

**§ 101–44.310 Rejection of property approved for donation.**

If a donee determines prior to pickup or shipment, that property approved for donation cannot be utilized, it will so notify, through appropriate channels, the GSA regional office which approved the donation, and the property will be released by GSA for other disposal. The GSA regional office may advise any other donee agency known to be interested in the property of its possible availability, and may approve a donation request provided the holding agency agrees to retain the property pending such approval.

**§ 101–44.311 Pickup or shipment.**

(a) Surplus property set aside for donation will be retained by the holding agency for a period not to exceed 40 calendar days from the automatic release date, pending receipt of the approved application and firm instructions for pickup or shipment of the property. At the end of this period, the holding agency may proceed with the disposal of the property if the approved application and pickup or shipping instructions have not been received.

(b) Upon receipt of the approved application and instructions for pickup or shipment, the holding agency will promptly notify the donee or his designated agent of the availability of the property. The donee or his agent will remove the property within 15 calendar days from the date of notification of availability by the holding agency.

(c) The donee is responsible for removing the property or for making arrangements with common carriers for its shipment. Property Disposal Officers or other representatives of holding agencies will not act as agent or shipper for donees in this regard.

### § 101–44.312 Overages.

(a) Upon receipt, if it is found that surplus property was received which was not listed on an approved SF 123, the donee will prepare and submit, through appropriate channels, to the GSA office for the region in which the holding agency is located, an overage report covering all such property. However, if the estimated acquisition cost of a line item of such property is over $500, it shall be listed on SF 123, and sent through appropriate channels to the GSA regional office for donation approval.

(b) The overage report shall be signed by the responsible representative of the donee and shall provide the following information:

(1) Name and address of the holding agency.

(2) All pertinent control numbers including the holding agency report turn-in document number, the GSA control number if property was reported to GSA, and any donee application or allocation numbers.

(3) A description of each line item of property, the condition code, the quantity and unit of issue, and the estimated unit and total acquisition cost.

### § 101–44.313 Agency compliance.

(a) *General.* The Department of Defense, the Department of Health, Education, and Welfare, and the Federal Aviation Agency are responsible for developing and maintaining an effective system for the prevention or detection of situations involving the nonuse, improper use, or the unauthorized disposal or destruction of surplus property donated for educational, public health, civil defense, or public airport purposes. This responsibility will include surveillance for any abuses of donated property; corrective action where such cases are discovered; and the furnishing of compliance reports, as may be required, to GSA.

(b) *Instructions.* The Department of Defense, the Department of Health, Education, and Welfare, and the Federal Aviation Agency will provide GSA with copies of internal instructions which outline the scope of their respective surveillance program, the policies and methods for the enforcement of their compliance responsibilities, and the correction of abuses in the use or disposal of donated property. Copies of instructions to eligible donees concerning the proper use of donated property will also be furnished, and any changes made to these internal or external issuances and explanations thereof, will also be provided GSA.

(c) *Reports.* (1) In order for GSA to accumulate information as a basis for the exercise of his discretionary authority to approve the donation of surplus property, the Department of Defense, the Department of Health, Education, and Welfare, and the Federal Aviation Agency will make such reports on compliance actions as may be required by the Administrator of General Services.

(2) The Department of Health, Education, and Welfare will report to GSA on actions involving nonconformance by a State agency for surplus property with the minimum standards of operation prescribed by the Department.

### § 101–44.314 Screening by the Secretary of Health, Education, and Welfare.

In order to locate donable property, the Secretary of Health, Education, and Welfare, and duly accredited representatives of the States, shall be permitted to screen, at appropriate times, in GSA regional offices, reports of excess property submitted by holding agencies under Part 101–43, and holding agencies' excess personal property (and lists and records thereof, when available) not required to be reported to GSA under Part 101–43.

### § 101–44.315 Printing and binding equipment.

The Joint Committee on Printing of the Congress has authorized the release of surplus Federal Government printing and binding equipment for donations to health and educational activities as authorized by section 203, Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484). Such donations shall be processed in the same manner as are donations of other surplus personal property.

### § 101–44.316 Use of surplus property by State agencies for surplus property.

(a) *General.* Public Law 87–94 amends section 203(n) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), so as to authorize the use of surplus property by State distribution agencies. The Secretary of Health, Education, and Welfare and State agencies may enter into cooperative agreements whereby surplus property, which GSA may approve for donation for use in the State for purposes of education, public health, or civil defense, or for research for any such purpose, may be made available to the State agency for use in performing its functions in connection with such program.

(b) *Determination.* The Secretary of Health, Education, and Welfare may determine that use of any surplus property approved for donation by GSA is necessary to, or would facilitate, the State agency's performance of its functions under such program. The Secretary of Health, Education, and Welfare may also determine that it is necessary to, or would facilitate, the effective use of such surplus property for title thereto to be vested in the State agency.

(c) *Approval.* The approval of GSA is required prior to use by any State agency for such purposes of surplus property which GSA has approved for donation, and is also required for vesting in the State agency of title to any motor vehicle or other surplus property the use of which by a State agency is approved by GSA. Items of the types determined by DHEW as necessary for furtherance of the donation program, which were included on approved Standard Forms 123, may be used by State agencies for administrative purposes under cooperative agreements, subject to GSA approval.

(d) *Transfer of title to motor vehicle.* Whenever a motor vehicle is approved for administrative use by a State agency, title to such vehicle shall be transferred from the United States Government to the State agency concerned and the State agency shall cause such vehicle to be registered with appropriate State authority as a State-owned vehicle, before placing the vehicle in such use. Transfer of title to the State agency shall be effected in accordance with the provisions of § 101–38.701. When title is vested in the State agency, the equipment will not be tagged or otherwise marked to identify it as Federal property.

(e) *Use, maintenance, and disposition.* The use, maintenance, and disposition of surplus property which GSA has approved for use by the State agency shall be as prescribed by the Secretary of Health, Education, and Welfare.

(f) *Limitations.* Under no circumstances may any property which GSA approves for use by the State agency pursuant to the provisions of this section be loaned to, used by, or otherwise made available for use by any person, organization, or instrumentality other than the State agency, or used by it for purposes other than the promotion of the efficiency or effectiveness of the State agency's performance of its functions in connection with the program for the donation of surplus property.

(g) *Reimbursement for lost, damaged, or destroyed property.* The State agency shall reimburse the Department of Health, Education, and Welfare for all surplus property lost, damaged, or destroyed as the result of negligence of the State, its officials, or employees. In the event of loss, damage, or destruction by others, the State agency shall initiate and conclude necessary actions to recover damages therefor.

### § 101–44.317 Donations to service educational activities.

### § 101–44.317–1 Screening by Secretary of Defense.

(a) In reporting excess property of the Department of Defense to GSA, the Secretary of Defense shall designate, by appropriate notation on each report, any items of donable property which he determines, subject to utilization by Federal agencies in accordance with § 101–44.101, to be usable and necessary for service educational activities. Donable property not so designated shall be deemed to have been determined by the Secretary of Defense not to be usable and necessary for service educational activities, and, subject to utilization by Fed-

eral agencies, shall be available for screening by the Secretary of Health, Education, and Welfare in accordance with this Part 101–44.

(b) With respect to excess property of the Department of Defense not required to be reported to GSA, the Secretary of Defense shall determine the items of donable property that are usable and necessary for service educational activities, subject to utilization by Federal agencies, prior to determination as surplus.

### § 101–44.317–2 Donations by Secretary of Defense.

Donable property which has been designated and determined by the Secretary of Defense to be usable and necessary for service educational activities shall, unless otherwise directed by the Administrator of General Services, be available for allocation by the Secretary of Defense when determined surplus in accordance with Part 101–43 and may thereafter be donated to eligible applicants.

## Subpart 101–44.4—Donations to the American National Red Cross

### § 101–44.400 General.

Pursuant to sec. 203(1) of the Property Act (40 U.S.C. 484), personal property which has been determined to be surplus property and which has been identified as having been processed, produced, or donated by the American National Red Cross shall, unless otherwise directed by the Administrator of General Services, be made available for donation to the Red Cross for charitable purposes.

### § 101–44.401 Donation approval.

The donation of surplus property for which the Red Cross is the eligible donee shall not require further GSA approval, unless such property has an estimated value in excess of $500 or, in the case of blood plasma, consists of a quantity in excess of 1,000 units. In those instances where the property to be donated exceeds the amounts stated, the Regional Administrator, GSA, of the regional office for the area in which the property is located, may approve the formal request submitted by the Red Cross.

### § 101–44.402 Cooperation of holding agencies.

Holding agencies shall cooperate with the Red Cross by informing the National Headquarters, 17th and D Streets NW., Washington, D.C., 20006, Attention: General Supply Office, of any surplus property in their custody which meets the criteria in § 101–44.400. By memorandum, letter, or other means of communication, the holding agencies shall provide information, regarding suggested shipping facilities, quantity, description, condition, and location of such property in their inventories.

### § 101–44.403 Action by the Red Cross.

(a) Upon receipt of information from the holding agency regarding the availability of such surplus property, the Red Cross may inspect the property or request it pursuant to § 101–44.400 without inspection.

(b) The formal request and shipping instructions in duplicate shall be prepared and transmitted by the Red Cross to the holding agency activity having custody of the property, within 20 calendar days from the date of notification of information provided for in § 101–44.402. Such request and shipping instructions shall include a list of all such surplus property to be transferred and include reference to the date when information on which the request is based was received by the Red Cross. One copy of such request and shipping instructions shall be forwarded to the GSA regional office for the area in which the property is located.

(c) Where the property to be donated exceeds the quantities stated in § 101–44.401, the Red Cross shall send three copies of the formal request and shipping instructions to the designated GSA regional office for approval. Upon such approval, the GSA regional office will mail two approved copies directly to the responsible activity of the holding agency.

### § 101–44.404 Transfer by holding agency.

The holding agency shall transfer directly to the Red Cross, upon receipt of request and shipping instructions provided for in § 101–44.403, all items of such surplus property so requested. One copy of such request and shipping instructions shall be enclosed with the shipment or attached to shipping documents. The shipments shall be made f.o.b. installation; transportation charges collect.

### § 101–44.405 Donable property determined unusable by the Red Cross.

Property eligible for donation to the Red Cross which, because of deterioration or for other reasons, the Red Cross declines, in writing, to request as a donation, or as to which no action is taken by the Red Cross within the 20-day period prescribed in §101–44.403, shall be disposed of as other surplus. When such Red Cross property is offered for disposal, the disposal document shall provide for a certification to the effect that all Red Cross labels or other Red Cross identifications will be obliterated or removed from such property before use by the recipient or transfer by him to other users.

## Subpart 101–44.5—Donation of Property to Public Bodies

### § 101–44.500 Scope.

This subpart prescribes the policies and methods governing the disposition by executive agencies of personal property by donation to public bodies of personal property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale. It does not apply to:

(a) Surplus property donated for educational, public health, civil defense, or public airport purposes; or

(b) Narcotics and reserved materials.

### § 101–44.501 Findings justifying donation to public bodies.

### § 101–44.501–1 General.

(a) No property shall be donated to public bodies by an executive agency unless it shall have been affirmatively found, in writing, by a duly authorized official of such agency either that:

(1) Such property has no commercial value, or

(2) The estimated cost of its continued care and handling would exceed the estimated proceeds from its sale.

(b) Such findings shall not be made by any official directly accountable for the property covered thereby.

### § 101–44.501–2 Reviewing authority.

Whenever a line item of the property to be disposed of under this Subpart 101–44.5 by an executive agency at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–44.501–1, shall be approved by a reviewing authority before any such disposal.

### § 101–44.502 Donations to public bodies.

### § 101–44.502–1 Authority to donate.

Any executive agency may donate to public bodies property as to which findings have been made pursuant to § 101–44.501–1.

### § 101–44.502–2 Disposal costs.

Any public body receiving property from an executive agency pursuant to this subpart shall pay the disposal costs incident to the donation, such as packing, preparation for shipment, demilitarization, loading, and transportation to the donee.

## Subpart 101–44.6—Donation of Abandoned and Forfeited Personal Property

### § 101–44.600 Scope.

This subpart prescribes the policies and methods governing the donation by Federal agencies of abandoned and forfeited property in their custody or control in the United States, Puerto Rico, and the Virgin Islands.

### § 101–44.601 Donation of forfeited distilled spirits, wine, and malt beverages.

### § 101–44.601–1 General.

Forfeited distilled spirits, wine, and malt beverages for which there is no Federal utilization shall be made available to appropriate eleemosynary institutions prior to other disposition.

### § 101–44.601–2 Establishment of eligibility.

Eleemosynary institutions desiring to obtain available distilled spirits shall submit to the Personal Property Division, Region 3, Utilization and Disposal Service, Washington, D.C., 20407, General Services Administration, GSA Form 18, Statement on Behalf of Eleemosynary Institutions (illustrated at § 101–44.4903).

### § 101–44.601–3 Requests by institutions.

Lists showing quantities, kinds, and location of available distilled spirits, wine, and malt beverages will be forwarded by GSA from time to time to institutions which qualify by submission of GSA Form 18. Eligible institutions desiring to obtain such liquors shall submit to GSA, at the address shown in § 101–44.601–2, requests therefor, specifying the kind and quantity desired and the place of delivery.

### § 101–44.601–4 Filling requests.

The Regional Administrator GSA, shall authorize the seizing agency to fill such requests as he may determine proper to assure equitable distribution among requesting institutions.

### § 101–44.601–5 Donation of lots not required to be reported.

Forfeited distilled spirits, wine, and malt beverages not required to be reported under § 101–43.322 may be donated to eleemosynary institutions known to be eligible therefor if determined by the seizing agency to be suitable for human consumption. The holding agency shall promptly report donations by letter to the General Services Administration Region 3, Utilization and Disposal Service, Personal Property Division, Washington, D.C., 20407, and such report shall state the quantity and type so donated, the name and address of the donee institution, and the date of the donation.

### § 101–44.601–6 Packing and shipping costs.

The receiving institution shall pay all costs of packing, shipping, and transportation.

## Subpart 101–44.7—Donation of Surplus Narcotics

### § 101–44.701 State agencies.

Surplus narcotic drugs shall not be donated except to State agencies for use for civil defense purposes. Donations to State agencies shall be made pursuant to the provisions of Subpart 101–44.3. However, the determinations of usability and need required thereby shall, in every case, be accompanied by:

(a) A detailed listing of the State agencies to which transfer is requested and the type and quantity of each narcotic drug proposed to be transferred to each State agency.

(b) A certificate signed by an authorized State agency official of each State to which transfer is requested. Such certificate shall state that the State agency:

(1) Has available at locations, which must be identified in the certificate, adequate facilities for the storage and handling of the narcotic drugs requested, and

(2) Will use such facilities for the protection thereof, including protection against theft and pilferage.

(c) A statement, signed by the appropriate Narcotics District Supervisor for the area where the narcotics drugs are to be stored and handled, to the effect that the storage facilities proposed by the State to be used for the storage and handling of the narcotic drugs are adequate.

## Subpart 101–44.8—Reports

### § 101–44.801 Performance report of donations.

A quarterly performance report of the donation of surplus personal property shall be submitted to GSA on Standard Form 121, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property, pursuant to § 101–43.4907.

## Subparts 101–44.9—101–44.48 [Reserved]

### Subpart 101–44.49—Illustrations

NOTE: The forms in §§ 101–44.4901, 101–44.4902, 101–44.4903, and 101–44.4904 filed as part of the original document. Copies may be obtained from Central Office, GSA.

§ 101–44.4901 Standard Form 123, Application for Donation of Surplus Personal Property.

§ 101–44.4902 Standard Form 123A, Application for Donation of Surplus Personal Property—Continuation Sheet.

§ 101–44.4903 Instructions for preparation and processing, Standard Form 123.

§ 101–44.4904 GSA Form 18, Statement on Behalf of Eleemosynary Institutions.

## PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY


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101–45.4905 Standard Form 119, Contractors Statement of Contingent or other Fees.
101–45.4906 Standard Form 150, Deposit Bond — Individual Invitation, Sale of Government Personal Property.
101–45.4907 Standard Form 151, Deposit Bond, Annual, Sale of Government Personal Property.
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101–45.4917 Standard Form 114, Sample assembly for Sale of Government Property.
101–45.4918 Sample assembly for sales of Government property.
101–45.4919 Outline for preparation of explanatory statement relative to negotiated sales.

AUTHORITY: The provisions of this Part 101–45 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), §§ 101–45.400 to 101–45.405 also issued under sec. 307, 49 Stat. 880; 40 U.S.C. U.S.C. 3041.

### § 101–45.000 Scope of part.

This part prescribes policies and methods governing the disposal by executive agencies of Government-owned personal property located within the United States, the Commonwealth of Puerto Rico, and the Virgin Islands by sale, abandonment, or destruction.

## Subpart 101–45.1—General

### § 101–45.101 Applicability.

This Part 101–45 applies to all agencies in the executive, legislative, and judicial branches of the Government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, to the extent provided in the Federal Property and Administrative Services Act of 1949 (hereinafter generally referred to in this Part 101–45 as "the Act").

### § 101–45.102 Needs of Federal agencies paramount.

Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding agency prior to passage of title in the case of sale.

### § 101–45.103 Responsibility of holding agency.

Each holding agency shall, except as otherwise provided by order of the Administrator of General Services, dispose of personal property by sale in accordance with this Part 101–45.

### § 101–45.104 Care and handling pending disposal.

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

### § 101–45.105 Exclusions.

### § 101–45.105–1 Materials required for the national stockpile and for Government use or resale under the Defense Production Act.

This Part 101–45 does not apply to materials acquired for the national stockpile or to metals, minerals, and other materials acquired for Government use or resale under section 303(a) of the Defense Production Act of 1950, as amended (50 U.S.C. 2093). However, to the extent deemed appropriate the provisions of this Part 101–45 should be followed in the disposal of such materials.

### § 101–45.105–2 Disposal of certain vessels.

The Secretary of Commerce has jurisdiction over the disposal of vessels of 1,500 gross tons or more which the Secretary determines to be merchant vessels or capable of conversion to merchant use. Such vessels, therefore, are excluded from the provisions of this Part 101–45.

### § 101–45.106 Property controlled by other law.

No property shall be disposed of in violation of any other applicable law.

### § 101–45.107 Holding agency compliance function.

Subject to the provisions of § 101–45.107–1 requiring referral of criminal matters to the Department of Justice, each holding agency shall perform investigatory functions as are necessary to insure compliance with the provisions of the Federal Property Act and with the regulations, orders, directives, and policy statements of the Administrator of General Services. Nothing in this § 101–45.107 should be deemed to affect the jurisdiction of any agency over its own personnel or any existing arrangements with the Department of Justice concerning the handling and prosecution of criminal matters.

### § 101–45.107–1 Referral to other Government agencies.

All information indicating violations by any person of Federal criminal statutes, or violations of section 209 of the Federal Property Act, including, but not limited to, fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice, for further investigation and disposition. Each holding agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the

necessary referral to the Department of Justice, inquiries conducted by the holding agency compliance organizations shall be limited to obtaining information for administrative purposes. Where irregularities reported or discovered involve wrongdoing on the part of individuals holding positions in Government agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator of General Services for an examination in the premises.

**§ 101–45.107–2 Compliance reports.**

A written report shall be prepared on all compliance investigations conducted by each agency compliance organization. Each holding agency shall maintain files of all such reports. Until otherwise directed by the Administrator of General Services, there shall be transmitted promptly to GSA one copy of any such report which contains information indicating criminality on the part of any person or indicating substantial noncompliance with the Act or with the regulations, orders, directives, and policy statements of the Administrator of General Services. In transmitting such reports to the Administrator of General Services, the agency shall set forth the action taken or contemplated by the agency to correct the improper conditions disclosed by the investigation. Where any matter is referred to the Department of Justice, a copy of the letter of referral shall be transmitted to GSA.

## Subpart 101–45.2—Definition of Terms

**§ 101–45.200 Scope of subpart.**

As used throughout this Part 101–45, the following terms have the meanings set forth in this subpart.

**§ 101–45.201 Agricultural commodity.**

"Agricultural commodity" means a product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

**§ 101–45.202 Auction.**

"Auction" means a sales offering by public outcry.

**§ 101–45.203 Auctioneer.**

"Auctioneer" means an individual, partnership, or corporation engaged in selling personal property by the auction method of sale.

**§ 101–45.204 Combat materiel.**

"Combat materiel" means arms, ammunition, and implements of war listed in the currently effective designations (68 Stat. 848, as amended, 22 U.S.C. 1934).

**§ 101–45.205 Contractor inventory.**

"Contractor inventory" means any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

**§ 101–45.206 Cotton or woolen goods.**

"Cotton or woolen goods" means any textile, article, or product resulting from the processing or manufacturing, in whole or in major part, of cotton or wool.

**§ 101–45.207 Debarment.**

"Debarment" means the prohibition of an individual or organization from contracting with the Government longer than a temporary period.

**§ 101–45.208 Distilled spirits.**

"Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

**§ 101–45.209 Executive agency.**

"Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

**§ 101–45.210 Federal agency.**

"Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

**§ 101–45.211 Firearms.**

"Firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive, and a muffler or silencer for any such weapon.

**§ 101–45.212 Forfeitures.**

"Forfeitures" means forfeitures, whether by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

**§ 101–45.213 Holding agency.**

"Holding agency" means the executive agency which has accountability for the property involved.

**§ 101–45.214 Identical bids.**

(a) "Identical bids" means two or more bids received for the same line item of an invitation for bids issued under formal advertising procedures which:

(1) Appear on the face of the bids to be identical as to unit price or total amount; or

(2) Are found, in the contracting agency's normal process of evaluating bids for award, to be identical as to unit price or total amount.

(b) "Line item" means each item of personal property specified in an invitation for bid which, under the terms of the invitation, is susceptible to a separate contract award.

**§ 101–45.215 Inactivation.**

"Inactivation" means the removal of an auctioneer's name from the List of Auctioneers Qualified to Sell Government-owned Personal Property.

**§ 101–45.216 Intangible personal property.**

"Intangible personal property" includes, but is not limited to, such classes of personal property as patents, patent rights, processes, techniques, inventions, and copyrights, except as, in a given case or class of cases, may be excluded by the Administrator of General Services.

**§ 101–45.217 Local government.**

"Local government" means a government, or administration of a locality, within a State or possession of the United States.

**§ 101–45.218 Malt beverages.**

"Malt beverages" means beverages made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

**§ 101–45.219 Narcotics.**

"Narcotics" means the following drugs or preparations thereof:

(a) Opium, coca leaves, cocaine, or any salt derivative, or preparation of opium, coca leaves, or cocaine;

(b) Isonipecaine (demarol);

(c) Any drug found by the Secretary of the Treasury and proclaimed by the President to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine such as methadon (delphine, adanon) and nisentil; and

(d) Marihuana (cannabis sativa L.).

**§ 101–45.220 No commercial value.**

"No commercial value" means personal property which is not usable and cannot economically be rehabilitated by anyone for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

**§ 101–45.221 Personal property.**

"Personal property" means property of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

**§ 101–45.222 Public body.**

"Public body" means any State, territory, or possession of the United States, any political subdivision thereof, the District of Columbia, any agency or instrumentality of any of the foregoing, or any agency of the Federal Government.

**§ 101–45.223 Reinstatement.**

"Reinstatement" means the restoration to the List of Auctioneers Qualified to Sell Government-owned Personal Property of the name of an auctioneer previously removed from that list.

**§ 101–45.224 Related personal property.**

"Related personal property" means any personal property which is located on, or is an integral part of, real property, or used or useful in connection with such property or the productive capacity thereof, or determined by the Administrator of General Services to be otherwise related to the real property.

**§ 101–45.225 Reviewing authority.**

"Reviewing authority" means a local, regional, or departmental board of review of an executive agency. It may consist of one or more persons.

**§ 101–45.226 Salvage.**

"Salvage" means personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect for use for any purpose as a unit (either by the holding or any other Federal agency) and its repair or rehabilitation for use as a unit (either by the holding or any other Federal agency) is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

**§ 101–45.227 Scrap.**

"Scrap" means material that has no value except for its basic material content.

**§ 101–45.228 Small business concern.**

"Small business concern" means any concern or group of concerns which qualifies as a "small business concern" under governing standards by the Small Business Administration (see 13 CFR Part 121).

**§ 101–45.229 Surplus personal property.**

"Surplus personal property" means any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

**§ 101–45.230 Wine.**

"Wine" means wine as defined in sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385), as now in force or hereafter amended, and other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

## Subpart 101–45.3—Sale of Personal Property

### § 101–45.300 Scope of subpart.

This subpart prescribes the policies and methods governing the disposal of surplus personal property by sale.

### § 101–45.301 Sale to Government employees.

Holding agencies shall not sell personal property to persons known to be officers or employees of the Federal Government, except to the extent determined by the heads of such agencies to be in the best interests of the Government and under procedures and safeguards, prescribed by the heads of such agencies, adequate to preclude collusion and fraud.

### § 101–45.302 Sales methods and procedures.

### § 101–45.302–1 Competitive bid sales.

Holding agencies shall, except as otherwise provided by this Subpart 101–45.3, sell personal property by competitive bid sale after advertising, in accordance with this section 101–45.302–1. Competitive bid sales include the following:

(a) *Sealed bid sales.* In sealed bid sales, bidders shall be required to submit, to the office designated for receipt and opening of bids, sealed written bids on authorized bid forms for public opening at a time and place designated. Final payment on such sales shall be in the prescribed forms as set forth in § 101–45.302–1(b).

(b) *Spot bid sales.* In spot bid sales, bidders shall be furnished with bid forms in advance of the bidding, a bid form to be used for each lot or unit to be separately sold. Requests for bids on items offered for sale shall be made by the official in charge. In requesting bids, the official in charge shall announce the item, its identification number, and a brief description of the item or lot. The right to reject all such bids for a lot or item shall be reserved in the terms of sale; and when the Invitation for Bids so specifies, lots or items for which all bids have been rejected may be reoffered at the same sale in order to secure an acceptable bid price. After examining all bids, award shall be made or bids rejected immediately following the offering of the item or lot. The bids at spot bid sales shall not be disclosed prior to the announcement of award for any item or lot. Where mailed written or drop bids are permitted, they shall not be disclosed to the public prior to the announcement of award. Bidders may be required to register in advance of the sale. Any special condition of sale shall be set out in the Invitation for Bids in order to assure that all bidders are afforded an opportunity to compete on the same terms and conditions. Except as provided in §§101–45.302–8 and 101–45.302–11, final payment on such sales must be by cash, or certified check, cashier's check, traveler's check, bank draft, Federal Home Loan Bank money order (including Canadian Postal Money Orders designed for payment in the United States, which are acceptable in U.S. dollars at the stated face value), Government check properly endorsed, or any combination thereof, made payable to the Treasurer of the United States or to the Government agency conducting the sale.

(c) *Auction sales.* In auction sales, private auctioneers qualified as prescribed by § 101–45.310, or qualified personnel of holding agencies when authorized by the holding agency, shall be used to cry such sales. When the terms and conditions of sale have been published and distributed to participating buyers, any special or unusual conditions of sale shall be announced by the person conducting the auction, immediately prior to commencement of the sale. Final payment on such sales must be made in the prescribed form as set forth in § 101–45.302–1(b). The only exceptions to such methods for payment are set forth in §§ 101–45.302–8 and 101–45.302–11. Offerings must reserve in the Government, the right to accept or reject any or all bids. Lots for which all offers have been rejected may be reoffered later at the same sale to secure acceptable bids, when the published terms and conditions so provide. GSA will provide advice and assistance to executive agencies on auction methods and use, and on advertising, lotting, and other sales preparations for auctioneers.

### § 101–45.302–2 Negotiated sales and negotiated sales at fixed prices.

(a) *Circumstances permitting negotiated sales.* Agencies authorized pursuant to this Part 101–45 to sell surplus personal property may do so by negotiated sales, subject to obtaining such competition as is feasible under the circumstances, where:

(1) It is determined by the disposal agency that a negotiated sale involves property:

(i) That has a reasonable fair-market value not in excess of $1,000; or

(ii) Where public exigency will not admit of the delay incident to advertising; or

(iii) Where bid prices after advertising therefor are not reasonable (either as to all or some part of the property), or bid prices have not been independently arrived at in open competition, and it is determined that readvertising will serve no useful purpose: *Provided,* That all responsible bidders who responded to the previous advertising shall be afforded an opportunity to submit offers for the property.

(iv) That the disposal will be to a State, Territory, possession, political subdivision thereof, or tax-supported agency therein, and that the estimated fair-market value of the property and other satisfactory terms of disposal are obtained by negotiation.

(2) Full and adequate justification therefor has been submitted to the head of the disposal agency or his designee for prior approval, and he has determined:

(i) That the public health, safety, or national security will thereby be promoted; or

(ii) That it is necessary in the public interest during the period of a national emergency declared by the President or the Congress. The authority of this subdivision shall be used only with respect to a particular lot or lots of personal property identified by the Administrator of General Services or a specifically described category or categories of property determined by the Administrator of General Services during any period fixed by the Administrator of General Services, but not in excess of three months. Declaration of a national emergency alone is not justification for use of this authority; there must be other reasons making use of negotiation necessary in the public interest.

(3) Full and adequate justification therefor has been submitted to the Administrator of General Services for his prior approval, and he has determined that the property involved is of a nature and quality which, if disposed of by advertising would cause such an impact on an industry or industries as to adversely effect the national economy: *Provided,* That the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation.

(4) Negotiation is otherwise authorized by the Act or other law.

(b) *Negotiated sale at fixed prices.* After obtaining prior approval of the Administrator of General Services agencies may sell, either directly or through the use of disposal contractors, specific categories of personal property at the estimated fair-market value of the property. Sales of property so made shall be publicized to the extent consistent with the nature and value of the property involved. Applications for approval of fixed-price sales shall include a narrative statement containing a description of the property, a detailed program of disposal, justification of the proposed sale, the estimated fair-market value and proposed selling prices, and all other pertinent facts involved in the agency's decision to request authority to sell at fixed prices.

(c) *Explanatory statements.* Subject to the exceptions noted in this subparagraph, the agency shall prepare an explanatory statement of the circumstances of each proposed disposal by negotiation of any personal property and shall submit the statement to the Administrator of General Services for review and transmission by the Administrator of General Services to the appropriate committee of the Senate and House of Representatives, as early as practicable in advance of each proposed disposal; and, shall preserve a copy thereof in its files.

(1) No statement need be:

(i) Prepared for disposals of personal property having a fair market value of $1,000 or less;

(ii) Submitted for sales of personal property at fixed prices when previously authorized pursuant to this § 101–45.302–2(b); or

(iii) Submitted for disposals of personal property authorized to be made without advertising by any provision of law other than section 203(e) of the Act.

(2) An outline for the preparation of the explanatory statement is shown in § 101–45.4919.

### § 101–45.302–3 Lotting.

To the extent practicable, and consistent with the types of property and usual commercial practice, property offered for sale shall be assembled in reasonably sized lots of like or similar items by make or manufacturer. Unused property shall be lotted separately from used items. Scrap and other property having scrap value only shall be lotted in accordance with established trade practice and shall generally not be included in the same sale with usable items. Determination of the size of lots shall take into consideration the buying capacities of prospective buyers and the requirement that adequate competition be obtained. Large quantities of identical items shall be lotted in such a way as to encourage bidding by small businesses and individuals.

### § 101–45.302–4 Inspection by bidders.

Sufficient time prior to the date for submission of bids shall be allowed to permit inspection by potential purchasers.

### § 101–45.302–5 Reviewing authority.

Approval by a reviewing authority of the agency effecting the sale shall be required for each proposed award involving the type of sale and acquisition cost (actual or estimated) of property other than scrap as follows:

(a) By negotiated sale—$1,000 or more.

(b) By competitive-bid sale—$100,000 or more.

### § 101–45.302–6 Advertising.

Adequate public notice shall be given to each offering for sale of property to be disposed of after advertising. Except where the nature or condition of the property does not permit, advertising shall be made in sufficient time previous to sale to permit full and free competition. The extent of solicitation shall have due regard to the quantity and type of property to be sold, the logical market of disposal, the type of sale contemplated, and the public interest. Three copies of all invitations or other offering literature involving surplus, exchange/sale property or contractor inventory shall be transmitted, at the time of issuance, to the appropriate GSA regional office, except that in the case of invitations or other offering literature processed and distributed by the Defense Logistics Services Center of the Department of Defense, two copies will be submitted to such regional office and one copy to the General Services Administration, Utilization and Disposal Service, Washington, D.C., 20405.

(a) *Advertising media by types of sales*—(1) *Sealed bid sales.* In the case of sealed bid sales, advertising shall be by the distribution of written invitations for bids, including public posting thereof, and may be supplemented by newspaper or trade journal advertising (ordered in accordance with existing law) where advisable.

(2) *Spot bid sales.* Advertising in the case of spot bid sales shall be by written invitation for bids or other appropriate notices, including public posting thereof. Notice of such sales may also be given appropriate newspaper or trade journal advertising (ordered in accordance with existing law) where advisable.

(3) *Auction sales.* In the case of auction sales, newspaper or trade journal advertising ordinarily should be employed (ordered in accordance with existing law) in addition to other written notice deemed appropriate.

(b) *Advance sale notices to Department of Commerce.* In order that the Department of Commerce may make regular publication of a synopsis of principal proposed sales of Government personal property, all disposal agencies shall, when the acquisition cost of the property to be sold at one time at one place is $250,000 or more, cause a notice of each proposed sale to be transmitted to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago, Ill., 60607. Where the acquisition cost is less than this amount, such notice may be transmitted when considered desirable. The notice shall be sent as early as possible in advance of the sale but at least 20 days prior to the date when the bids will be opened, or, in the case of spot bid or auction sale, when the sale will be conducted. Such notice shall be transmitted by fastest mail available and shall be in synopsis form suitable for printing directly from the text as transmitted without editing or condensing. Instructions for the preparation of advance sale notices, including form and content thereof, are set forth in § 101–45.4910. The failure to comply with the advance notice of sale requirements of this § 101–45.302–6(b) shall not, in and of itself, affect the validity of a sales award which is otherwise valid.

### § 101–45.302–7 Forms prescribed.

Standard Forms 114, 114A, 114B, and 114C (illustrated at §§ 101–45.4901, 101–45.4902, 101–45.4903, and 101–45.4904) shall be used in all sales of surplus personal property by sealed bid. Typical assemblies for sealed bid sales, which include these standard forms, are shown in §§ 101–45.4917 and 101–45.4918. In auction, spot bid, and negotiated sales, Standard Form 114C shall be used and, if appropriate, Standard Forms 114, 114A, and 114B may be used.

(a) *Description of standard forms*—(1) *Standard Form 114, Invitation Title Page.* This form has space for the invitation number and date; time, date, and place of bid opening; bid deposit requirements; arrangements for inspection; name and address of issuing activity; and location(s) of property.

(2) *Standard Form 114A, Bid and Award Page.* This form provides a block for the bidder to state his total bid, and a block for the Government to accept the bid. Extra space is provided in the acceptance by the Government block for optional agency use. Accounting data, acquisition cost of the property, office identification numbers, etc., may be over printed in this space if deemed necessary by the using agency. Neither instructions to bidders nor special conditions of sale, however, are to be printed in this blank space.

(3) *Standard Form 114B, Item Bid Page.* This form provides for the summary listing of articles for sale, the quantity in number of units, and the unit of measure. It has columns for the bidder to insert the line item price bid per unit and the line item total bid price, as well as space for the bidder's name to facilitate identification.

(4) *Standard Form 114C, General Sale Terms and Conditions.* The sale terms and conditions are provided as a separate page so as to permit, where necessary, the inclusion of special conditions and instructions to bidders on the reverse of Standard Form 114C. (See § 101–45.4917. A continuation sheet, if required, may be used.) However, special conditions of sale and instructions to bidders are to be kept to an absolute minimum, and are to be used only if and when deemed necessary and appropriate for the particular property offered for sale. No special conditions of sale shall be included which are inconsistent with the provisions contained in Standard Forms 114A and 114C unless authority is obtained from the Administrator of General Services.

(5) *Alternate assembly of forms for small sealed bid sales.* To provide the simplest type of documentation for sales involving only a small number of items, an assembly consisting of Standard Form 114 with Standard Form 114A on the reverse thereof; and Standard Form 114B with Standard Form 114C on the reverse is shown as § 101–45.4918. It is to be noted that when an agency determines special conditions of sale and instructions to bidders are necessary, they may be set forth on Standard Form 114B after the description of the items to be sold.

(b) *Description of items for sale.* (1) A short, accurate, and to the extent feasible, commercially clear description shall be prepared for each item offered for sale. This description may be used in the Standard Form 114B whenever a few items are to be sold. In larger sales, a summary list of the items shall be set forth on the Standard Form 114B as shown in § 101–45.4917 and a list of detailed item descriptions shall be prepared in the format shown in § 101–45.4917 and set forth in the same order as in the Standard Form 114B. (Section 101–45.4917 assumes multiple locations of property were indicated in Standard Form 114. There is no intent in § 101–45.4917 to suggest lotting. Examples of items given are intended only to establish format and proper descriptive terminology.) The block is for the convenience of the bidder to record, for his use, the amounts bid and submitted on Standard Form 114B.

(2) When it is determined to be to the Government's advantage, original acquisition costs may be included in the individual item descriptions.

(3) Normally, one copy of this list setting forth the descriptions of property

should be sufficient for distribution with whatever number of sets of the Standard Form 114 is furnished each bidder, as the list is not to be returned with the bid.

(4) Extreme care should be exercised in the preparation of the item description list to avoid uncertainty in a prospective buyer's mind by the use of misleading, ambiguous, or unintended descriptions which could possibly lead to disputes and litigation. For example, there is uncertainty when a "lot" of property described as an "item" consists of more than one item and the weight of the "item" is stated. Is the weight shown that of one of the items or is it the total weight for all items?

(5) Also, inasmuch as there can be honest difference of opinion as to condition, such opinions shall not be expressed. Descriptions shall be limited to statements of fact such as "unused" or "used." To these general descriptions, qualifying statements, when known and applicable, shall be added as guide information such as "some surface rust," "broken cartons," "rubber may be deteriorated," and "packed for export." On listing motor vehicles from which tires have been removed, that fact shall be indicated; or, if it has no motor, that fact shall be disclosed.

(c) *Removal of property.* In normal disposals, a minimum of ten days shall be afforded successful buyers to effect complete removal of the property.

**§ 101–45.302–8 Credit.**

Except as authorized in § 101–45.302–11, personal property shall not be offered for sale or sold on credit without the prior approval of the Administrator of General Services. When approved, the terms and conditions of sale shall specifically provide therefor.

**§ 101–45.302–9 Deposits.**

(a) Subject to § 101–45.302–11, deposits shall be required in connection with bids on personal property offered for sale through the formal sealed bid method. Deposits also shall be required in connection with auction sales but may be waived (other than for bids submitted by mail when authorized) whenever the highest acceptable bidders are required to make at least a partial payment, in an amount not less than the normal bid deposit on the day of sale. Deposits may be required on spot bid sales at the discretion of the agency conducting such sales.

(b) The normal deposit for individual type sales shall be 20 percent of the total amount of bid. For sales of property on an "as generated" basis during a stated period of time (referred to as term contracts), the normal deposit shall not be less than an amount to adequately protect the Government's interest. (Example: 33⅓ percent of the total amount bid on a 90-day contract.)

(c) Bid deposits shall be in the form of cash, or certified check, cashier's check, traveler's check, bank draft, Federal Home Loan Bank money order, postal money order, express, telegraphic or other commercial money order (including Canadian Postal Money Orders designed for payment in the United States which are acceptable in U.S. dollars at the stated face value), Government check properly endorsed, or any combination thereof made payable to the Treasurer of the United States or to the Government agency conducting the sale. When agency regulations so provide, deposit bonds (submitted on Standard Forms 150 and 151) may also be used.

(d) Irrevocable commercial letters of credit issued by a bank established in the United States, payable to the Treasurer of the United States or to the Government agency conducting the sale, may be used in lieu of the foregoing forms of deposit. Such letters shall be substantially in the format shown in § 101–45.4912. General instructions relating to the preparations of letters of credit are also contained in § 101–45.4913.

(e) Any draft drawn against such letter of credit shall be substantially in the format shown in § 101–45.4914. Such draft shall be accompanied by a transmittal letter and certifications substantially in the format shown in § 101–45.4915.

(f) Potential buyers shall be notified as to the exact organizational entity to the order of which the prescribed form of deposit is to be made payable. In no event shall a bid be rejected solely on the grounds that the instrument of deposit is made payable to the Treasurer of the United States when the offering specifies that it be made payable to the Government agency conducting the sale, or conversely, as the case may be.

**§ 101–45.302–10 Deposit bonds.**

(a) *Standard forms.* The following standard forms, as applicable, shall be used by executive agencies when a bond, in lieu of cash or other acceptable form of bid deposit, is permitted by the sales invitation.

(1) Standard Form 150, Deposit Bond—Individual Invitation, Sale of Government Personal Property (see § 101–45.4906).

(2) Standard Form 151, Deposit Bond—Annual Sale of Government Personal Property (see § 101–45.4907).

(3) Standard Form 28, Affidavit of Individual Surety (see § 101–45.4908).

(Standard Forms 150 and 151 are applicable only to normal cash sales where payment in full is required prior to release of the property. In the conduct of sales involving term contracts or other unusual contractual arrangements, executive agencies may use such other bond forms as they may determine to be acceptable.)

(b) *Instructions and procedures.* (1) Comprehensive instructions for the execution and use of Standard Form 150, Deposit Bond—Individual Invitation; Standard Form 151, Deposit Bond—Annual; and Standard Form 28, Affidavit of Individual Surety, are provided on the reverse of each form. Implementing instructions by executive agencies shall be consistent therewith.

(2) Standard Form 151, Deposit Bond—Annual, contains the following provision:

> Upon the making of an award to the principal, or within a reasonable period of time thereafter, the Government shall transmit, in writing, the following information to the surety at the address above: (1) Name and address of the principal(s); (2) number of the invitation for bids; (3) name and address of the department or agency making the award; (4) date of the award; and (5) total purchase price covered by the award.

The phrase, "or within a reasonable period of time thereafter", shall, for practicable purposes, be construed to mean within fifteen days following the making of the award. Optional Form 20, Notice to Surety—Deposit Bond—Annual (§ 101–45.4909) is a form of written notice available for this purpose.

(3) In the event a bidder whose bid deposit is secured by a deposit bond attempts to withdraw his bid in violation of paragraph 3, General Sale Terms and Conditions, Standard Form 114C, and such bid is determined to be the high bid acceptable to the Government, a formal notice of award shall be issued to inform the bidder of his contractual obligations.

(4) In the event of default by a bidder whose bid deposit has been secured by a deposit bond, a notice of such default should be sent to the bidder (principal) and the surety.

**§ 101–45.302–11 State and local governments.**

In the case of sales to State and local governments and instrumentalities thereof, the requirements for bid deposit and payment for property prior to removal shall be waived whenever representation is made in writing by an official of such State or local government or instrumentality that compliance therewith is precluded by law applicable to such governments, including a citation to the applicable law forming the basis for such exemptions; and, may be waived in the case of such sales where otherwise deemed in the best interest of the Federal Government.

**§ 101–45.303 Exchange or sale of personal property for replacement purposes.**

This section prescribes policies and methods governing executive agencies in exercising the authority to sell personal property granted under section 201(c) of the Act. Sale of personal property by executive agencies in connection with the application of the proceeds of sale in the acquisition of similar personal property for replacement purposes shall be made only after compliance with the provisions of subpart 101–43.2 covering the utilization requirements to be met prior to outright sale.

**§ 101–45.303–1 Solicitation of bids.**

In exercising the authority granted herein for disposing of personal property, the objective shall be to obtain the maximum return to the Government from property sold. Executive agencies shall, therefore, solicit in each instance, cash bids, except that cash bids need not be solicited when the items sought to be sold may be disposed of without solicitation of bids under applicable laws and regulations.

### § 101–45.303–2 Terms and conditions of sale.

Executive agencies shall use Standard Forms 114, 114A, 114B, and 114C (see §§ 101–45.4901, 101–45.4902, 101–45.4903, and 101–45.4904) in making sealed bid sales of property pursuant to this § 101–45 303–2 in the same manner as is required in sales of surplus personal property (see § 101–45.302–7). Typical assemblies for sealed bid sales, which include these standard forms, are shown in §§ 101–45.4917 and 101–45.4918. If sale is by auction, spot bid, or negotiated sale, executive agencies shall, except as may be otherwise authorized by the Administrator of General Services, use the General Sale Terms and Conditions of Standard Form 114C, and may use Standard Forms 114, 114A, and 114B as deemed appropriate. Additional special terms, conditions, and instructions, if necessary, may be used if not inconsistent with the provisions contained in Standard Forms 114A and 114C.

### § 101–45.303–3 Availability of proceeds of sale.

Except as otherwise authorized by law, proceeds of sales of personal property disposed of pursuant to this § 101–45.303–3 shall be accounted for in accordance with General Accounting Office, Accounting Systems Memorandum No. 23, Revised, issued June 19, 1953, or any revision thereof. The requirements for a written administrative determination to establish that a bona fide replacement is involved are set forth in § 101–43.302. Procedures for the application of the proceeds of sale for the acquisition of similar items follow:

(a) Sale of property before the purchase of replacement property.

(1) When the sale of the property to be replaced is made before the acquisition of the replacement property, the proceeds of such sales are to be deposited to the agencies' deposit fund account "_____ 6875 Suspense (Department or Establishment)" or to a separate deposit fund account if such account has been approved for the department or establishment.

(2) The proceeds of such sales will be available for obligation for the acquisition of similar replacement items of personal property during the fiscal year in which the sale is made and for one fiscal year thereafter.

(3) When the acquisition of the replacement property is subsequently made and the obligation incurred, an adjustment voucher should be processed to charge the applicable deposit fund account and reimburse the appropriation charged for the replacement. For audit purposes, the adjustment voucher (Standard Form No. 1081, Revised, or other approved forms) must include or be supported by sufficient evidence to show that the reimbursement to the appropriation is applicable to the obligation incurred for the acquisition of similar replacement personal property.

(4) Proceeds of sales related to personal property for which an obligation for replacement has not been incurred during the period of availability following the date of sale, or sales proceeds which for other reasons an agency elects not to apply to replacement costs, shall be deposited to miscellaneous receipts account "3199—Proceeds from Sale of Government Property Not Otherwise Classified."

(5) If it is determined at the time of collection that sales proceeds are not to be applied to replacement acquisitions, the deposit should be made directly to the miscellaneous receipts account.

(b) Sale of property after the purchase of replacement property. When the sale of the replaced property is made after the acquisition of the replacement property, the proceeds of such sale may be deposited as a direct reimbursement credit to the appropriation previously charged for the replacement of similar items of personal property.

### § 101–45.304 Contractor inventory.

### § 101–45.304–1 Retention or disposal by contractors or subcontractors.

After compliance with the applicable requirements of § 101–43.316, the executive agency concerned my authorize the retention or disposal of contractor inventory by a contractor or subcontractor in accordance with orders, directives, procedures, and review prescribed by such agency, subject to the limitations in § 101–45.304–2.

### § 101–45.304–2 Limitations.

(a) Contractor inventory shall not be sold to persons known to be officers or employees of the Federal Government, except as provided in § 101–45.301.

(b) Disposals of contractor inventory, except as executive agencies shall otherwise provide, shall be by competitive bid sales.

(c) Retentions of contractor inventory where such inventory is not offered for competitive sale shall be, subject to the terms of the contract, at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for competitive sale at such time.

(d) Where the original acquisition cost of serviceable material available for sale at any one time at any one location is $25,000, or more, the contractor shall publish a notice of the proposed sale at a reasonable time in advance of such sale in a newspaper of general circulation in the locality in which the property is located.

(e) Retention or disposal of substantial quantities of material by the contractor shall be subject to prior approval by the contracting agency in accordance with criteria established by that agency, or in the absence of such criteria, when the acquisition cost of material available for disposal at any one location is in excess of $50,000.

(f) Whenever a contractor shall begin negotiations for the disposition to private interests of property which cost the Government $3,000,000 or more, or of patents, processes, techniques, or inventions, irrespective of costs, the contracting agency shall comply with the requirement of § 101–45.308.

### § 101–45.304–3 Disposal by executive agencies.

When disposal or retention by a contractor or subcontractor cannot be affected upon terms which are advantageous to the Government, such property may be disposed of by the agency in accordance with the surplus disposal procedures of this Part 101–45.

### § 101–45.305 Proceeds from sales.

### § 101–45.305–1 Disposition of proceeds.

All proceeds from the disposal of surplus property shall be covered into the Treasury as miscellaneous receipts, except in the following circumstances and as otherwise authorized by law enacted subsequent to June 30, 1949:

(a) When the property disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts, then the net proceeds of the disposition shall be credited to the reimbursable fund or appropriation or paid to the Federal agency which determines such property to be excess: *Provided*, That the proceeds shall be credited to miscellaneous receipts in any case when the agency which determined the property to be excess shall deem it uneconomical or impractical to ascertain the amount of net proceeds.

(b) Any Federal agency disposing of surplus property under this Subpart 101–45.3 may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(c) Where any contract entered into by an executive agency or any subcontract under such contract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale (including amounts as a result of retention by the contractor) shall be credited in accordance with the contract or subcontract.

(d) Any executive agency entitled to receive cash under any contract covering the sale or other dispostion of surplus property may in its discretion accept, in lieu of cash, any property determined by the Office of Emergency Planning to be strategic or critical material at the prevailing market price thereof at the time the cash payment or payments became or become due. Executive agencies shall consult with GSA before taking such action.

### § 101–45.306 Performance reports.

A quarterly performance report of the disposition of surplus personal property shall be submitted to GSA on Standard Form 121, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property (see § 101–43.4907).

## § 101–45.307 Special classes of property.

### § 101–45.307–1 Agricultural commodities.

(a) *Disposal by holding agencies.* Surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods may be disposed of in accordance with this Part 101–45, without reference to the Department of Agriculture, in the following instances:

(1) Where the quantity of such commodity or product in any one location has an acquisition cost not in excess of $5,000.

(2) Where such commodity or product must be disposed of immediately to prevent spoilage.

(3) Where the quantity to be sold during any month has an acquisition cost not in excess of:

(i) Raw cotton, wheat and other grains, flour, leaf tobacco, and cotton or woolen goods—$300,000.

(ii) Meat, poultry and poultry products, peanuts, and other fats and oils—$50,000.

(iii) All other agricultural commodities and foods processed from agricultural commodities—$25,000.

(b) *Required references to the Department of Agriculture.* With respect to quantities of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods, in excess of the amounts specified in this § 101–45.307–1, holding agencies shall obtain from the Commodity Stabilization Service, Department of Agriculture:

(1) A determination, with appropriate instructions, that the commodities or products should be transferred to the Department of Agriculture for disposition as provided by section 203(h) of the Act. Holding agencies accordingly may execute transfers without charge to the Department of Agriculture; or

(2) A statement setting forth the conditions and prices which should be used by the holding agency in the disposition of the commodities or products.

### § 101–45.307–2 Dangerous property.

(a) No property shall be disposed of that is dangerous to public health or safety without rendering innocuous such property or providing adequate safeguards therefor.

(b) The following procedure shall apply in any disposal of high explosives used for blasting purposes (including but not limited to dynamite, TNT, and demolition blocks), supplies used for blasting purposes (such as blasting caps, fuse lighters, detonators, detonating cord, primacord, primers, and fuses), and chemicals used in the manufacture of ammunition primers.

(1) All materials of the above classifications offered by a holding agency shall be properly identified in the offering with respect to their hazardous characteristics.

(2) All the materials of the above classifications shall be labeled by the holding agency prior to shipment so that their hazardous character will be immediately evident upon inspection.

(3) Purchasers of materials of the above classification shall be required by the holding agency to execute the following certification:

It is hereby certified that the purchaser will comply with all applicable Federal, State, and local laws, ordinances and regulations with respect to the care, handling, storage and shipment, resale, export, and other use of the materials hereby purchased, and that he is a user of, or dealer in, said materials capable of complying with all applicable Federal, State, and local laws. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

### § 101–45.307–3 Demilitarization and decontamination.

No dangerous material shall be disposed of pursuant to this Part 101–45 without first demilitarizing or decontaminating such property if such action is found by a duly authorized official of the executive agency concerned to be in the interest of public health, safety, or security. This may include rendering such property innocuous, stripping from it any confidential or secret characteristics, or otherwise making it unfit for further use. Demilitarization or decontamination of property to be donated to public bodies shall be accomplished in such manner as to preserve so far as possible any civilian utility or commercial value of the property.

### § 101–45.307–4 Firearms.

Shotguns having a barrel of 18 inches or more in length and hand-operated bolt-action rifles having a barrel or barrels of 16 inches or more in length may be disposed of at public sale. Other types of firearms may be sold under the following circumstances:

(a) After approval by the Administrator of General Services, to a State or local government at the fair-market value; or

(b) For scrap, after total destruction by crushing, cutting, breaking, or deforming to be performed in a manner to assure that the firearms are rendered completely inoperative and to preclude their being made operative.

### § 101–45.307–5 Garbage.

All invitations to bid issued by executive agencies for removal of garbage from property occupied or controlled by the Federal Government, unless specifically requiring destruction by incineration, shall state that all bidders must comply with basic requirements for sterilization prescribed by the Animal Disease Eradication Division, Bureau of Animal Industry, Department of Agriculture. In the interest of uniformity, the following provision shall be included in all invitations to bid where garbage collected may, under any circumstances, be fed to livestock or poultry:

Prior to award the bidder agrees to furnish a certification from an Animal Disease Eradication Division representative of the U.S. Department of Agriculture, that he possesses adequate and approved garbage sterilization equipment. In the event of an acceptance of his bid by the Government, the bidder warrants that all garbage received under the contract will be sterilized not less than 30 minutes at 212° F. before being fed to livestock or poultry. The bidder agrees to permit representatives of the Animal Disease Eradication Division of the U.S. Department of Agriculture to make inspections at any time without prior arrangements to determine that the garbage is heat treated in accordance with the provision.

### § 101–45.307–6 Narcotics.

Surplus narcotic drugs which are not required to be destroyed as provided in § 101–45.505, shall, unless otherwise authorized and directed by the Administrator of General Services, be offered for sale by sealed bid in accordance with the provisions of this Subpart 101–45.3: *Provided,* That the following safeguards and instructions also shall be observed:

(a) Effort shall be made to limit the distribution of any sales offering of narcotic drugs to registered manufacturers of narcotic drugs.

(b) The sales offering shall include the following special conditions of sale:

Any bid for any of the items included in this offering will be rejected unless the bidder signs the following certification on all copies of the bid submitted by him as a condition of any award and sale to him of such items: The undersigned represents and warrants that he is registered under the Federal Narcotics Laws and is authorized by Law and by the Bureau of Narcotics, Department of the Treasury, as a manufacturer of narcotic drugs. No award will be made and no sale will be consummated pursuant to this offering until after this agency has obtained from the Bureau of Narcotics, Department of the Treasury, confirmation in writing of the authority of the bidder to manufacture narcotic drugs, and approval of the award as to type and quantity proposed for sale to one buyer.

(c) As a condition precedent to the making of an award pursuant to a sales offering of narcotic drugs, the holding agency shall submit the following to the Department of the Treasury, Bureau of Narcotics, Washington, D.C., 20226:

(1) The name of the bidder to whom the sale is proposed to be made;

(2) The name of the holding agency and the name and address of the selling activity;

(3) A description of the narcotic drugs and how packaged and the quantity of such drugs proposed to be sold to the bidder referred to in subparagraph (1) of this paragraph;

(4) The acquisition cost of the narcotic drugs proposed to be sold;

(5) Identification of the sale offering by its number; and

(6) A request for advice as to whether the bidder named in subparagraph (1) of this paragraph is authorized by law to manufacture narcotic drugs and whether there are any objections to the proposed sale.

### § 101–45.307–7 Vehicles.

(a) Pursuant to § 101–26.501–7, executive agencies desiring to apply the proceeds from the sale of used vehicles to the purchase of new ones may sell the used vehicles or request GSA to sell them.

(b) Agency requests to GSA to sell used vehicles, which are to be replaced, shall be in memorandum form and directed to the attention of the Utilization and Disposal Service at the GSA regional office for the geographical area in which the used vehicles are located. The following information regarding each vehicle should be furnished with such request: Type, make, year, model, accessories (defroster, heater, etc.), engine number, serial number, license number, mileage, condition, acquisition cost, location, name and telephone number of the custodian, the date when each used vehicle will be available for release, and the date from which storage charges, if any, will be required to be paid by the purchaser and the rate charged for such storage. In addition, the owning agency should identify the accountable officer by name, station, and symbol, and indicate the symbol of the appropriation to be credited with the proceeds of sale.

(c) Copies of invitations for bids for the sale of such used vehicles will be furnished to the owning agency for distribution to local prospective bidders. When the vehicles have been sold, the GSA regional office will furnish the owning agency with pertinent information regarding the sale, including the name and address of the purchaser, and the amount received for each vehicle.

**§ 101–45.308 Antitrust laws.**

Whenever any holding agency shall propose to make an award to any private interest of personal property with an acquisition cost to the Government of $3,000,000 or more, or of a patent, process, technique, or invention, irrespective of cost, the agency shall promptly notify the Attorney General and the Administrator of General Services, simultaneously, of the proposed disposal and the probable terms and conditions thereof. Upon request by the Attorney General, the agency shall furnish or cause to be furnished to the Attorney General such additional information as the agency may possess concerning the proposed disposition. The Attorney General will advise the agency and the Administrator of General Services within a reasonable time, in no event to exceed 60 days after receipt of such notification, whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. The holding agency shall not effect disposition until it has received such advice. The holding agency shall include in the notification transmitted to the Attorney General and the Administrator of General Services, the following information:

(a) Location and description of property (specifying the tonnage, if scrap).

(b) Proposed sale price of property (explaining the circumstances, if proposed purchaser was not highest bidder).

(c) Acquisition cost of property to Government.

(d) Manner of sale, indicating whether by:

(1) Sealed bid (specifying numbers of purchasers solicited and bids received);

(2) Auction or spot bid (stating how sale was advertised); or

(3) Negotiation (explaining why property was not offered for sale by competitive bid).

(e) Proposed purchaser's name, address, and trade name (if any) under which it is doing business.

(f) If a corporation, give name of State and date of incorporation, and name and address of:

(1) Each holder of 25 percent or more of the corporate stock;

(2) Each subsidiary; and

(3) Each company under common control with proposed purchaser.

(g) If a partnership, give:

(1) Name and address of each partner;

(2) Other business connections of each partner.

(h) Nature of proposed purchaser's business, indicating whether its scope is local, statewide, regional, or national.

(i) Estimated dollar sales volume of proposed purchaser (as of latest calendar or fiscal year).

(j) Estimated net worth of proposed purchaser.

(k) Proposed purchaser's intended use of property.

**§ 101–45.309 Assistance in controlling unauthorized transport of property.**

In order to help alleviate the problems associated with unauthorized transport of property sold by the Government, and to assist the Interstate Commerce Commission in improving control of transportation for hire, the following information shall be made known to all purchasers and shall be included as a "Special Instruction to Bidders" in all formal invitations requesting bids or offers for the sale of personal property:

**Attention is invited to the fact that the Interstate Commerce Act makes it unlawful for anyone other than those duly authorized pursuant to that Act to transport this property in interstate commerce for hire. Anyone aiding or abetting in such violation is a principal in committing the offense (49 U.S.C. 301–327 and 18 U.S.C. 2).**

**§ 101–45.310 Auctioneers.**

**§ 101–45.310–1 General.**

This section prescribes policy and procedure governing the qualification, inactivation, and debarment of auctioneers in connection with the sale of Government-owned personal property by the auction method of sale. The List of Auctioneers Qualified to Sell Government-owned Personal Property, described in § 101–45.310–3, will be maintained by GSA and shall be used by all executive agencies in the selection of private auctioneers to sell Government-owned personal property, except that an executive agency may elect to use an employee competent to conduct an auction sale.

**§ 101–45.310–2 Responsibilities.**

(a) *General Services Administration.* GSA will perform the following services for executive agencies:

(1) Establish and maintain a List of Auctioneers Qualified to Sell Government-owned Personal Property.

(2) Solicit auctioneer applications for qualifications.

(3) Examine and report upon auctioneer applications.

(4) Provide background and resource data on auctioneers to interested executive agencies.

(b) *Other agencies.* Each executive agency utilizing private auctioneer services shall:

(1) Establish internal procedures and methods for giving effect to this § 101–45.310.

(2) Notify GSA of the name and address of its office(s) where auctioneer information should be sent.

(3) When applicable, formally recommend placement in inactive status of auctioneers on the list to GSA through appropriate channels and in accordance with instructions contained in this section.

(4) As needed, participate with GSA incident to any appropriate appeal by an auctioneer for whom inactivation action was proposed or taken.

(5) As needed, request directly from GSA copies of any notices on any auctioneer inactivation cases.

(6) Classify and treat all actions incident to potential or actual auctioneer inactivation, except voluntary inactivation, as administratively confidential and for official use only.

**§ 101–45.310–3 List of Auctioneers Qualified to Sell Government-owned Personal Property.**

GSA maintains a List of Auctioneers Qualified to Sell Government-owned Personal Property (referred to hereafter in this section as the "List") for the use of executive agencies. This List contains the names of auctioneers who are qualified to conduct sales of Government-owned personal property, the date of their most recent qualification, and rating codes which indicate special qualifications as to the size of the sale and the category(ies) of property they may sell, and the geographical areas in which they may conduct auction sales. (The rating codes are described in § 101–45.4916.) Interim notices will be issued by GSA between issuances of the List whenever necessary to keep agencies currently informed as to newly qualified, inactivated, debarred, and reinstated auctioneers. Upon request of an agency, the List and any related interim notices will be sent directly to the activities designated by such agency. Like information also is available normally at all GSA regional offices.

**§ 101–45.310–4 Solicitation of bids for auctioneer services.**

(a) *Bids from auctioneers on List.* An executive agency having need for auctioneering services shall solicit bids from those auctioneers on the List who have qualified to: (1) Conduct the type of sale contemplated, (2) sell property in the category of the property involved, and (3) sell property in the geographical location in which the sale is to be made. Generally, bids shall be solicited through the medium of advertising. In such cases, each qualified bidder on the List shall be afforded an opportunity to sub-

mit a bid. A contract for auctioneering services may be negotiated only in particular cases where negotiation is authorized by statute, and in such cases proposals shall be solicited from among those qualified auctioneers on the List.

(b) *Bids from auctioneers not on the List.* When a bid is received from an auctioneer whose name is not on the List, the executive agency (or subdivision thereof) receiving such a bid shall communicate immediately and directly with the General Services Administration, Utilization and Disposal Service, Sales Division, Washington, D.C., 20405, to determine the qualification status (if any) of such bidder. The organization requesting such information shall provide the bidder's name and address, the identification of the sale for which he submitted a bid, and the time of the bid opening. If the bidder qualifies prior to the time specified for opening of bids, GSA will so notify the requesting organization prior to such bid opening. In such case, that organization shall consider the bid of the newly qualified auctioneer. If that organization is not so notified, it shall not consider the auctioneer's bid.

(c) *Standardization in bids.* In soliciting competitive bids to conduct auction services, the conditions incident to such solicitation shall be standardized so as to provide a fair and equal competitive opportunity to all interested bidders. When the auctioneer's compensation is to be by a commission fee based upon the expected gross sales proceeds, all competing auctioneers shall be requested to submit a single, flat percentage figure bid based on such proceeds. All invitations for bids or proposals shall include the following specific information:

(1) That award cannot be made to auctioneers who are not on the List of Auctioneers Qualified to Sell Government-owned Personal Property, or who do not qualify for such List prior to the time of the bid opening.

(2) That application forms to qualify for such List may be obtained from the Central Office or any regional office of GSA.

**§ 101–45.310–5 Inactivation of auctioneers.**

(a) *Action to inactivate.* Action to inactivate an auctioneer may be initiated either by GSA or by an executive agency. Inactivation will be effected by GSA and will be based upon the criteria prescribed in § 101–45.310–5(b). Whenever an auctioneer is recommended formally for inactivation, in the absence of special circumstances, GSA will notify the selling agencies. Agencies, so notified, shall not thereafter entertain bids for auction services from such auctioneer until further notice from GSA.

(b) *Criteria for inactivation.* An auctioneer may be placed in inactive status by GSA whenever:

(1) His local license is revoked for cause and not reinstated;

(2) He fails to maintain adequate financial responsibility;

(3) He fails to conduct his services in accordance with recognized ethical standards;

(4) He performs services in a substandard or ineffective manner;

(5) He acts in a manner seriously prejudicial to the best interest of the Government; or

(6) He has been debarred by a contracting agency as provided for in § 101–45.310–6.

(c) *Periods of inactive status.* (1) An auctioneer recommended for inactive status will be inactivated by GSA for such period, if any, as may be deemed appropriate under the circumstances. The executive agency recommending placement in inactive status shall suggest the length of the period of the proposed inactivation. In the event that inactivation is directed by GSA pending review of the case, the notification directing such action will clearly specify that it was ordered mefely as an incident to the review.

(2) The period of inactive status of an auctioneer will be for a reasonable length of time commensurate with the seriousness of the offense. No auctioneer will be placed in inactive status for a period in excess of two years for a single offense other than that resulting in debarment, in which case the maximum period will not exceed three years: *Provided,* That there will not be a time limitation for inactivation which resulted from revocation for cause of an auctioneer's local license without reinstatement.

(3) Reinstatement will be accomplished by GSA under policies and procedures established by it.

**§ 101–45.310–6 Debarment of auctioneers.**

(a) *General.* Where the auctioneer has engaged in grossly improper conduct, such as would be covered in § 101–45.310–6(b), in addition to being placed in an inactive status, steps may be taken by the interested contracting agency for debarment of such auctioneer in accordance with applicable regulations. In appropriate instances, the Administrator of General Services may recommend to the interested contracting agency that action be initiated to effect debarment.

(b) *Causes.* Any of the following causes is considered justification for initiating a recommendation to debar:

(1) Conviction for commission of a criminal offense as an incident to obtaining a contract or in an attempt to obtain a contract or in the performance thereof.

(2) Conviction under the Federal Antitrust Statute arising out of the submission of bids or proposals.

(3) Violation of contract provisions, as set forth in this subparagraph, of a character which is regarded by the agency involved to be so serious as to justify debarment action:

(i) Willful failure to perform in accordance with the specifications or within the time limit provided in the contract.

(ii) A history of unsatisfactory performance of one or more Government contracts.

(iii) Violation of the contractual provision against contingent fees.

(iv) Acceptance of a contingent fee which is paid in violation of contractual provisions against contingent fees.

(4) Debarment by some other executive agency.

**§ 101–45.310–7 Report on auctioneer services.**

Whenever an executive agency considers the services of an auctioneer to be other than satisfactory or receives information having a bearing on the qualifications of an auctioneer to be continued on the List, such agency shall furnish an administratively confidential report thereon to the Administrator of General Services.

**§ 101–45.311 Procedures and forms concerning contingent or other fees for soliciting or securing contracts.**

**§ 101–45.311–1 Purpose.**

For the purpose of promoting uniformity among executive agencies with respect to the required use of the "covenant against contingent fees" and with respect to the procedure for obtaining information concerning contingent or other fees paid by contractors for soliciting and securing Government contracts, the Department of Defense and GSA have developed cooperatively and agreed upon the required use of the "covenant against contingent fees" and the form, procedure, principles, and standards described in this section.

**§ 101–45.311–2 Objectives and methods.**

(a) *Objectives.* The requirements of section 101–45.311 have as their objective the prevention of improper influence in connection with the obtaining of Government contracts, the elimination of arrangements which encourage the payment of inequitable and exorbitant fees bearing no reasonable relationship to the services actually performed, and prevention of the reduction in return to the Government which inevitably results therefrom. Improper influence means influence, direct or indirect, which induces or intends to induce consideration or action by any employee or officer of the United States with respect to any Government contract on any basis other than the merits of the matter.

(b) *Methods.* The methods used to achieve the above objectives stated in paragraph (a) of this section are the requirement for disclosure of the details of arrangements under which agents represent concerns in obtaining Government contracts, and the prohibiting, by use of the covenant against contingent fees, of certain types of contractor-agent arrangements. The Criminal Code will apply in any case involving actual criminal conduct.

**§ 101–45.311–3 Representation and covenant.**

(a) *Representation.* Except as provided in § 101–45.311–7, each executive agency shall inquire of and secure a written representation from prospective purchasers as to whether they have employed

or retained any company or person (other than a full-time employee working solely for the prospective purchaser) to solicit or secure the contract, and shall secure a written agreement to furnish information relating thereto as required by the contracting officer. The form of such representation shall be that contained in Standard Form 114–A, Sale of Government Property—Bid and Award (illustrated in § 101–45.4902).

(b) *Covenant.* Executive agencies shall include in every negotiated or advertised contract for the sale of Government-owned personal property the "covenant against contingent fees" as contained in the Standard Form 114C, General Sale Terms and Conditions (illustrated in § 101–45.4904).

**§ 101–45.311–4 General principles and standards applicable to the covenant.**

(a) *Use of principles and standards.* The principles and standards set forth in this § 101–45.311–4 are intended to be used as a guide in the negotiation, awarding, administration, or enforcement of Government contracts.

(b) *Contingent character of the fee.* Any fee whether called commission, percentage, brokerage, or contingent fee, or otherwise denominated, is within the purview of the covenant if, in fact, any portion thereof is dependent upon success in obtaining or securing the Government contract or contracts involved. The fact, however, that a fee of a contingent nature is involved does not preclude a relationship which qualifies under the exceptions to the prohibition of the covenant.

(c) *Exceptions to the prohibition.* There are excepted from the prohibition of the covenant "bona fide employees" and "bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business."

(d) *Bona fide employee.* (1) The term "bona fide employee," for the purpose of the exception to the prohibition of the covenant, means an individual (including a corporate officer) employed by a concern in good faith to devote his full time to such concern and no other concern and over whom the concern has the right to exercise supervision and control as to time, place, and manner of performance of work.

NOTE: It is recognized that a concern, especially a small business concern, may employ an individual who represents other concerns. The factors set forth in § 101–45.311–4(c)(2), except (iv), shall be applied to determine whether such an individual comes within the exception to the prohibition of the covenant.

(2) The hiring must contemplate some continuity and it may not be related only to the obtaining of one or more specific Government contracts.

(3) An employee is not "bona fide" who seeks to obtain any Government contract or contracts for his employer through the use of improper influence or who holds himself out as being able to obtain any Government contract or contracts through improper influence.

(4) A person may be a bona fide employee whether his compensation is on a fixed salary basis, or when customary in the trade, on a percentage, commission, or other contingent basis or a combination of the foregoing.

(e) *Bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.* (1) An agency or agent is not "bona fide" which seeks to obtain any Government contract or contracts for its principals through the use of improper influence or which holds itself out as being able to obtain any Government contract or contracts through improper influence.

(2) In determining whether an agency is a "bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business," the factors set forth below shall be considered. They are necessarily incapable of exact measurement or precise definition and it is neither possible nor desirable to prescribe the relative weight to be given any single factor as against any other factor or as against all other factors. The conclusions to be reached in a given case will necessarily depend upon a careful evaluation of the agreement and other attendant facts and circumstances.

(i) The fees charged should not be inequitable and exorbitant in relation to the services actually rendered. That is, the compensation should be commensurate with the nature and extent of the services and should not be excessive as compared with the fees customarily allowed in the trade concerned for similar services related to commercial (non-Government) business. In evaluating reasonableness of the fee, there should be considered services of the agent other than actual solicitation, as for example, technical, consultant, or managerial services, and assistance in the procurement of essential personnel, facilities, equipment, materials, or subcontractors for performance of the contract.

(ii) The selling agency should have adequate knowledge of the products and the business of the concern represented, as well as other qualifications necessary to sell the products or services on their merits.

(iii) There should ordinarily be a continuity of relationship between the contractor and the agency. The fact that the agency has represented the contractor over a considerable period of time is a factor for favorable consideration. It is not intended, however, to disqualify newly established contractor-agent relationships where a continuing relationship is contemplated by the parties.

(iv) It should appear that the agency is an established concern. The agency may be either one which has been in business for a considerable period of time or a new agency which is a presently going concern and which is likely to continue in business as a commercial or selling agency in the future. The business of the agency should be conducted in the agency name and characterized by the customary indicia of the conduct of a regular business.

(v) The fact that a selling agency confines its selling activities to the field of Government contracts does not, in and of itself, disqualify it under the covenant. The fact, however, that the selling agency is employed to secure business generally, that is, to represent the concern in connection with sales to the Government as well as regular commercial sales to non-Government activities is a factor entitled to favorable consideration in evaluating the case as one coming within the authorized exception. Arrangements confined, however, to obtaining Government contracts, particularly those involving a selling agency organized immediately prior to or during periods of expanded procurement resulting from conditions of national emergency, must be closely scrutinized.

(f) *Fees for "information."* Contingent fees paid for "information" leading to obtaining a Government contract or contracts are included in the prohibition and, accordingly, are in breach of the covenant unless the agent qualifies under the exception as a bona fide employee or a bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.

**§ 101–45.311–5 Standard Form 119.**

Pursuant to the Act and in furtherance of the purpose and objectives stated in sections 1 and 3 thereof, Standard Form 119, Contractor's Statement of Contingent or Other Fees for Soliciting or Securing or Resulting From Award of Contract, shall be used in accordance with the provisions of section 101–45.311.

**§ 101–45.311–6 Use of Standard Form 119.**

(a) *Required use.* Except as provided in § 101–45.311–7, Standard Form 119 shall be used, without deviation, by executive agencies whenever either part of the inquiry provided for in § 101–45.311–3(a) with respect to contingent fees is answered in the affirmative. The form shall be used also, without deviation, in any other case where an executive agency desires to obtain such information. When, after use of the form, further information is required, it may be obtained in any appropriate manner. Submission of the form shall be required, normally, only of successful bidders and contractors.

(b) *Statement in lieu of form.* Any bidder who has previously furnished a Standard Form 119 to the office issuing the invitation or negotiating the contract may be permitted to accompany his bid with, or submit in connection with the proposed contract, a signed statement indicating when such completed form was previously furnished, identifying by number the previous invitation or contract in connection with which such form was submitted; and representing that the statements in such previously furnished form are applicable to such subsequent bid or contract. In such case, submission of an additional completed Standard Form 119 need not be required.

### § 101–45.311–7 Exceptions.

The inquiry and agreement specified in § 101–45.311–3(a) need not be made and submission of Standard Form 119 need not be requested in connection with any of the following:

(a) Any advertised contract in which the aggregate amount involved does not exceed $25,000.

(b) Any negotiated contract in which the aggregate amount involved does not exceed, in the case of the Department of Defense, $5,000; in all other cases, $1,000.

(c) Contracts to be made in foreign countries.

(d) Any other contracts, individually or by class, of the Department of Defense, designated by the Secretary, Under Secretary, or Assistant Secretary of a military department. (Reports of any such exceptions shall be filed promptly with the Administrator of General Services.)

### § 101–45.311–8 Enforcement.

(a) *Failure or refusal to furnish representation and agreement.* Each executive agency shall take the necessary steps to assure that the indicated successful bidder or proposed contractor has furnished a representation (negative or affirmative) and agreement as prescribed in § 101–45.311–3.

(1) If the indicated successful bidder makes such representation in the negative, such representation may be accepted and award made or offer accepted in accordance with established procedure.

(2) If the indicated successful bidder or proposed contractor makes such representation in the affirmative, a completed Standard Form 119 shall be requested from the bidder or proposed contractor. In the case of formal advertising, the making of an award in accordance with established procedure need not be delayed pending receipt of the form. In the case of negotiation, if the proposed contractor makes such representation in the affirmative, he shall be required to file a completed Standard Form 119 prior to acceptance of the offer or execution of the contract unless the head of the executive agency (including, for this purpose, any military department) concerned, or his authorized representative, considers that the interest of the Government will be prejudiced by the suspension of negotiations pending receipt and consideration of an executed Standard Form 119.

(3) If the indicated successful bidder or proposed contractor fails to furnish the representation and agreement, such failure shall be considered a minor informality and, prior to award, such bidder or proposed contractor shall be afforded a further opportunity to furnish such representation and agreement. A refusal or failure to furnish such representation and agreement, after such opportunity has been afforded, shall require rejection of the bid or offer.

(b) *Failure or refusal to furnish Standard Form 119.* If the successful bidder or contractor, upon request, refuses or fails to furnish a completed Standard Form 119, or a statement in lieu thereof as provided in § 101–45.311–6, the executive agency concerned shall take one or more of the following actions, or other action, as may be appropriate:

(1) If an award has not been made or offer accepted, determine whether the bid or offer should be rejected.

(2) If the contract has been awarded or the offer accepted, determine what action shall be taken, such as making an independent investigation or considering the eligibility of the contractor as a future contractor in accordance with established procedure.

(c) *Misrepresentations or violations of the covenant against contingent fees.* In case of misrepresentation, or violation or breach of the covenant against contingent fees, or some other relevant impropriety, the executive agency concerned shall take one or more of the following actions, or other action, as may be appropriate:

(1) If an award has not been made, or offer has not been accepted, determine whether the bid or offer should be rejected.

(2) If an award has been made or offer has been accepted, take action to enforce the covenant in accordance with its terms, that is, as the best interests of the Government may appear, annul the contract without liability or recover the amount of the fee involved.

(3) Consider the future eligibility as a contractor of the bidder or contractor in accordance with established procedure.

(4) Determine whether the case should be referred to the Department of Justice in accordance with established procedure with respect to determining matters of fraud or criminal conduct.

### § 101–45.311–9 Preservation of records.

Executive agencies shall preserve, for enforcement or report purposes, at least one executed copy of any representation and completed Standard Form 119, together with a record of any other pertinent data, including data as to action taken.

### § 101–45.312 Federal excise taxes.

Federal manufacturers' and retailers' excise taxes are not applicable to the sale or other disposal by the Government of personal property or the disposal of contractor inventory. Federal manufacturers' excise taxes do not apply to subsequent sales, including uses, by purchasers of Government property and contractor inventory. Federal retailers' excise taxes apply to subsequent sales, but not to subsequent uses by the purchasers unless the subsequent sale is made for resale and a certificate of resale is obtained. The foregoing does not apply to gasoline, and holding agencies shall make appropriate arrangements with the Internal Revenue Service with respect to the disposal thereof. Questions relating to the applicability of Federal excise taxes arising from the disposal of property or contractor inventory should be referred to the Internal Revenue Service.

### § 101–45.313 Nondiscrimination clause in contracts.

The nondiscrimination clause prescribed by Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977; 3 CFR), as amended by Executive Order No. 11114 of June 22, 1963 (28 F.R. 6485; 3 CFR), shall be included in all contracts providing for the sale of personal property when the contract exceeds $10,000, and an appreciable amount of work by the purchaser is involved (exclusive of normal pickup and delivery of the property as well as related packing and loading). When a sale is planned and the probability exists that the foregoing conditions will be present, the nondiscrimination clause shall be included in the contract provisions of the invitation as a special condition of sale.

### § 101–45.314 Report on identical bids.

### § 101–45.314–1 Governing order.

Executive Order No. 10936 of April 24, 1961 (26 F.R. 3555; 3 CFR) requires executive agencies to report information on identical bids to the Department of Justice.

### § 101–45.314–2 Reporting requirements and procedures.

When an invitation for bids for the sale of personal property results in submission of identical bids under the conditions set forth in this § 101–45.314–2, a copy of the invitation and a copy of the completed abstract of bids, with identical bid prices (other than nominal or token bids) circled, shall be forwarded to the Attorney General, Washington, D.C., Reference AT–IBR, within 20 days following the disposition of all bids received in response to the invitation involved, whether by awarding of contract(s) or other action:

(a) Where bids or offers were solicited through the formal sealed bid method of sale using Standard Form 114 Assembly, Sale of Government Property;

(b) Where the bid value of the line item(s) on which identical bids were received exceeds $2,500 (based on the apparent high bid received for such line item); and

(c) Where the total bid value of all line items covered by the invitation exceeds $10,000 (based on the apparent high bid received for each line item).

### § 101–45.314–3 Supplemental requests by Attorney General.

The Attorney General may, from time to time, request such supplemental information as he may deem necessary for effective enforcement of antitrust laws.

### § 101–45.314–4 Antitrust law referrals.

The submission of information on identical bids is in addition to and is not to be considered as satisfying the requirements of § 101–45.308, for notifying the Attorney General and the Administrator of General Services regarding proposed disposals which are required to be referred to the Attorney General for antitrust advice.

## Subpart 101–45.4—Disposal of Abandoned and Forfeited Property

### § 101–45.400 Scope of subpart.

This subpart prescribes the policies and methods governing the disposal by Federal agencies of abandoned or forfeited property in their custody or control in the United States, Puerto Rico, and the Virgin Islands.

### § 101–45.401 General.

Property which is not desired by the seizing agency or for which utilization cannot be obtained for any other Federal agency shall be disposed of in accordance with the provisions of this subpart.

### § 101–45.402 Forfeited distilled spirits, wine, and malt beverages.

(a) Forfeited distilled spirits, wine, and malt beverages not required to be reported under § 101–43.322–1(b)(13) shall be destroyed immediately after forfeiture, and those not required to be reported under § 101–43.322–1(b)(14), when not donated as prescribed by Part 101–44, shall also be destroyed immediately.

(b) When reportable forfeited distilled spirits, wine, and malt beverages are not transferred to a Federal agency or disposed of to an eleemosynary institution by GSA, the Regional Administrator, GSA, shall issue clearance to the seizing agency submitting the report prescribed by § 101–43.322, and such spirits shall be destroyed by that agency. A record of the destruction, showing time, place, and quantities destroyed, shall be filed with papers and documents relating to such seizure and forfeiture.

### § 101–45.403 Forfeited firearms.

Forfeited firearms subject to disposal under the Internal Revenue Code of 1954 may not be sold at public sale. Such firearms may be disposed of:

(a) By sale, when so ordered by the Administrator of General Services, to any requesting State or local government at a price to be agreed upon between the holding agency and the buyer; or

(b) For scrap, after total destruction by crushing, cutting, breaking, or deforming (to be performed in a manner to assure that the firearms are rendered completely inoperative and to preclude their being made operative).

### § 101–45.404 Forfeited property other than forfeited firearms.

Subject to disposal under the Internal Revenue Code of 1954.

(a) When an application to the courts for transfer of the property is denied, such property shall be disposed of in accordance with the court decree.

(b) If property has been forfeited other than by court decree and is not ordered by competent authority to be returned to any claimant, and utilization by Federal agencies cannot be effected, the Regional Administrator, GSA, may order it released for sale, except as provided in § 101–45.402.

(c) Abandoned property which, by the provisions of § 101–43.322, is not required to be reported may be sold at any time after three months from the date of abandonment.

(d) Sale shall be by competitive bid as prescribed in Subpart 101–45.3, and the decision as to whether such bidding shall be by sealed bid, spot bid, or auction shall be left to the discretion of the authorized disposal agency.

### § 101–45.405 Disposition of proceeds.

### § 101–45.405–1 Abandoned property.

(a) Proceeds from the sale of abandoned property shall be deposited in a special fund for a period of at least three years. A former owner may be reimbursed from the special fund based upon a proper claim filed within 3 years from the date of vesting of title in the United States as determined by the head of the agency concerned. Such reimbursement shall not exceed the proceeds realized from the disposal of such property less the costs incident to the care and handling of such property, as determined by the head of the agency concerned.

(b) In cases where property has been sold as a part of a lot containing other items and the purchase price for the lot covers items in addition to that for which reimbursement is sought, the proceeds of sale for that portion of the property for which reimbursement is being sought shall be proportionate to the proceeds received for the total lot. In order to assure accuracy in determining proportionate recovery in cases where more than one item has been sold as a lot, all items to be included in a group of items to be sold as one lot shall be listed and appraised in advance of the sale by the disposal official, and his appraisal stated in writing for each item on the list. Such list and appraisal shall be maintained as a part of the permanent file and record of sale until the 3-year period for filing claims has elapsed.

### § 101–45.405–2 Forfeited property.

Proceeds from the sale of property which has been forfeited either summarily or by court decree shall be deposited by the disposal agency in the Treasury of the United States as miscellaneous receipts.

## Subpart 101–45.5—Abandonment or Destruction of Surplus Property

### § 101–45.500 Scope of subpart.

This subpart prescribes the policies and methods governing the disposition by executive agencies of personal property by abandonment or destruction.

### § 101–45.501 Findings justifying abandonment or destruction.

### § 101–45.501–1 General.

Except as to property disposed of under §§ 101–45.504, 101–45.505, and 101–45.506, property shall not be abandoned or destroyed by an executive agency unless it shall have been affirmatively found, in writing, by a duly authorized official of such agency either that (a) such property has no commercial value, or (b) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Such finding shall not be made by any official directly accountable for the property covered thereby.

### § 101–45.501–2 Reviewing authority.

Whenever a line item of the property proposed to be disposed of under this Subpart 101–45.5 at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–45.501–1 shall be approved by a reviewing authority before any such disposal.

### § 101–45.502 Authority to abandon or destroy.

(a) Property may be abandoned or destroyed by an executive agency in accordance with this Subpart 101–45.5, provided that donation of the property in accordance with Subpart 101–44.5 has been determined, in writing, by a duly authorized official of such agency, not to be feasible.

(b) No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety, or which will cause infringement of the rights of other persons. If, at any time prior to actual abandonment or destruction, donation of such property pursuant to Subpart 101–44.5 becomes feasible, such donation shall be made.

### § 101–45.503 Notice of proposed abandonment or destruction.

Except as provided in §§ 101–45.504, 101–45.505, and 101–45.506, property shall not be abandoned or destroyed by any executive agency until after public notice of such proposed abandonment or destruction. Such notice shall be given in the area in which the property is located, shall contain a general description of the property to be abandoned or destroyed, and shall include an offering of the property for sale.

### § 101–45.504 Abandonment or destruction without notice.

(a) Property may be abandoned or destroyed by an executive agency without public notice upon a written finding by a duly authorized official thereof, approved by a reviewing authority, that the immediate abandonment or destruction of the property is necessary or desirable in the best public interest because of its nature or because of the expense or difficulty of its care and handling. Such abandonment or destruction would be appropriate whenever:

(1) The value of the property is so little or the cost of its care and handling is so great that its retention for advertising for sale is clearly not economical; or

(2) Abandonment or destruction is required by consideration of health, safety, or security.

(b) Whenever any line item of the property proposed to be abandoned or destroyed at any one location at any one time had an original cost (estimated if not known) of less than $100, it shall be presumed for the purposes of this § 101–45.504 that its immediate abandonment or destruction without notice is justified by reason of the expense or difficulty of its care and handling.

### § 101–45.505 Destruction of surplus narcotics.

(a) Surplus narcotic drugs shall not be abandoned and the following drugs will be destroyed by the holding agency in accordance with the provisions of § 101–45.505 (b) and (c):

(1) Narcotics in a deteriorated condition or otherwise unusable.

(2) Quantities of narcotic drugs determined to be surplus at one time and one place having an acquisition cost of less than $500.

(3) Narcotics which have been offered for sale in accordance with the provisions of § 101–45.307–6, but for which no satisfactory or acceptable bids have been received.

(b) When surplus narcotic drugs are required to be destroyed by the holding agency, they shall be destroyed by an employee of such agency in the following manner:

(1) If soluble, they may be dissolved in water and dissipated through the sewer;

(2) If insoluble, they may be burned;

(3) They may be destroyed in any manner which annihilates the substance as a narcotic drug and precludes the utilization of any portion thereof in any other form of narcotic;

(4) Destruction shall be performed in the presence of two additional employees of the agency as witnesses to such destruction.

(c) When surplus narcotic drugs have been destroyed, the fact, manner, and date of such destruction and the type and quantity so destroyed shall be certified to by the agency employee charged with responsibility for such destruction. The two agency employees who witnessed the destruction shall sign the following statement, which shall appear on the certification below the signature of the certifying employee:

I have witnessed the destruction of the narcotic drugs described in the foregoing certification in the manner and on the date stated herein:

---------- Witness ---------- Date

### § 101–45.506 Abandonment or destruction of expendable property.

Property such as obsolete unclassified navigation charts, electric light bulbs, radio tubes, fuses, resistors, capacitors, air filters, dust cloths, and teletype part replacements, which has been rendered unserviceable, may be abandoned or destroyed without public notice and pursuant to rules, regulations, or instructions prescribed by the executive agency generating the property when accumulation of the property for disposal or rehabilitation is not economical or in the best interest of the Government.

## Subparts 101–45.6—101–45.48 [Reserved]

## Subpart 101–45.49—Illustrations

### § 101–45.4900 Scope of subpart.

This subpart contains illustrations of the forms and formats prescribed in this Part 101–45.

NOTE: The forms in §§ 101–45.4901—101–45.4909, 101–45.4917, and 101–45.4918 filed as part of the original document. Copies may be obtained from Central Office, GSA.

### § 101–45.4901 Standard Form 114, Sale of Government Personal Property.

### § 101–45.4902 Standard Form 114A, Sale of Government Property, Bid and Award.

### § 101–45.4903 Standard Form 114B, Sale of Government Property, Item Bid Page.

### § 101–45.4904 Standard Form 114C, Sale of Government Property, General Terms and Conditions.

### § 101–45.4905 Standard Form 119, Contractors Statement of Contingent or Other Fees.

### § 101–45.4906 Standard Form 150, Deposit Bond—Individual Invitation, Sale of Government Personal Property.

### § 101–45.4907 Standard Form 151, Deposit Bond, Annual, Sale of Government Personal Property.

### § 101–45.4908 Standard Form 28, Affidavit of Individual Surety.

### § 101–45.4909 Optional Form 20, Notice to Surety.

### § 101–45.4910 Instructions for the preparation of advance notice to the Department of Commerce.

1. *Transmittal of notice.* Section 101–45.302–6 provides that when the acquisition cost of personal property to be sold at one time at one place is $250,000 or more, the disposal agency shall cause a notice of each such proposed sale to be transmitted to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago, Ill., 60607.

The notice shall be sent at as early a date as possible in advance of the sale but at least 20 days prior to the date when the bids will be opened, or, in the case of spot bid or auction sale, when the sale will be conducted. Such notice shall be transmitted by fastest mail available and shall be in synopsis form suitable for printing direct from the text so transmitted without editing or condensing.

These notices are for use of the Department of Commerce in making regular publication of a synopsis of principal proposed sales of Government personal property.

2. *Format and content of notice.*

a. *Information to be furnished.* The following information shall be provided in the order listed so as to preserve the format of the Department of Commerce publication: the name of the office which will issue the invitation; the name or title, address, and telephone number of the official from whom copies of the sales offering and other information can be obtained; a description of the property to be sold; when deemed desirable; the total estimated acquisition cost; the number of the invitation or sale; the date of the sale or bid opening, the types of sale, i.e., sealed bid, spot bid, or auction; and the location(s) of the property.

b. *Detailed requirements.* In preparing the notice to the Department of Commerce, the utmost care should be exercised in describing the types of property to be sold in order to assure interest by the maximum number of potential buyers but, at the same time, condense the information so that minimum space in the Department of Commerce publication will be required for printing. While the various kinds of property to be sold should be stated concisely, the names of important items should not be omitted. The following example is provided as a guide, both as to the order in which the information should be given, the extent to which information should be condensed or expanded, depending upon the size of the sale, and the format which, if followed, will facilitate publication without editing. Attention is specially invited to the double spacing, the "hanging" indention, and the length of the line which should be approximately 65, but not to exceed 69, character spaces.

EXAMPLE

GENERAL SERVICES ADMINISTRATION, REGION 8
BUSINESS SERVICES CENTER, BUILDING 41
DENVER FEDERAL CENTER, DENVER, COLORADO

Scrapers, Graders, Street Sweeper, Crawler Tractor, Air compressors, Power Units, Cement Mixer ---------- Total Acquisition Cost $269,850. ---------- Invitation No. 8UPS–62–41. ---------- Bid Opening 11–30–61. ---------- Sealed Bid, Location above.

*Motor Vehicles,* Passenger Cars and ¾ ton to 5 ton trucks, Materials Handling Equipment, fork lift trucks and warehouse tractors, jack lift trucks, warehouse trailers, platform and box trucks, HAND TOOLS, HARDWARE, PLUMBING EQUIPMENT, SPECIAL INDUSTRY MACHINERY, OFFICE MACHINES, FURNITURE, ROPE, CABLE CHAIR and FITTINGS, MISCELLANEOUS gasoline and water hose, burlap bags, barrier paper, pack saddles, tape and webbing, lanterns, SPARE PARTS for compressors, tractors, shovels, bulldozers, cranes, welding equipment, motor vehicles, air hammer, diesel and gasoline engines. ---------- TOTAL ESTIMATED ACQUISITION COST $6 MILLION---------- SALE No. 8UPS–A—62–44 Sale starts 12–51–61. ----------Auction Sale, Location Above.

### § 101–45.4911 Exchange/Sale category list.

1. Agriculture products, processed foods and forage.
2. Air conditioning units, office and residential.
3. Air conditioning units, industrial.
4. Ambulances, all sizes.
5. Ammunition and ammunition components.
6. Animals and animal products.
7. Asphalt distributors.
8. Asphalt pavers, portable or road mix.
9. Batteries, storage.
10. Bicycles, tricycles.
11. Binoculars; field glasses; telescopes.
12. Boilers, steam.
13. Busses, all sizes.
14. Cards, tabulating.
15. Compressors, air portable.
16. Compressors, air stationary.
17. Crawler, wheel mounted, and railroad cranes (including shovels and drag lines).
18. Crane trucks, industrial warehouse, electric and gasoline powered.
19. Ditching machines.
20. Dozer blades.
21. Drill presses.
22. Earth augers.
23. Fans, electric.
24. Graders, self-powered and towed.
25. Lathes.
26. Machines, adding; machines, calculating.
27. Machines, addressing and mailing.
28. Machines, dictating and transcribing.
29. Machines, duplicating.
30. Machines, punched card, bookkeeping, tabulating and accounting.
31. Milling machines.
32. Mixers, concrete, portable or truck mounted.
33. Motor scooters.
34. Motorcycles with or without side car.
35. Mowers, lawn, power.
36. Piledrivers.
37. Polishers, floor, powered.
38. Pontoon, assemblies.
39. Power shovels.
40. Railroad cars, freight.
41. Railroad cars, passenger.
42. Railroad cars, service.
43. Railroad locomotives.
44. Refrigeration equipment.
45. Refrigerators.
46. Road rollers, wheeled and sheepsfoot.
47. Saws, bench.
48. Scrapers, earth moving (self-powered).
49. Scrapers, earth moving, towed.
50. Sedans; station wagons; coupes; limousines.
51. Snow plows, motorized.
52. Spreaders, aggregate and lime.
53. Tractors, warehouse.
54. Tractors, wheeled or crawler, with or without special attachments, up to 65 h.p.
55. Tractors, wheeled or crawler, with or without special attachments, 65 h.p. and up.
56. Trailers, general purpose, multiple axle.
57. Trailers, general purpose single axle.
58. Trailers, industrial.
59. Trailers, special purpose (including fire pumper and Bean type sprayer and crash trailer).
60. Trailers, tank mounted.
61. Trucks, electronic.
62. Trucks, fire.
63. Trucks, fork lift.
64. Trucks, general purpose, cargo and construction 12,500 GVW through 28,000 GVW (including truck tractors, dump, multiple drive, etc.).
65. Trucks, general purpose and utility up to 12,500 GVW (including suburbans, carryalls and sedan deliveries).
66. Trucks, straddle.
67. Trucks, tank (special purpose trailer of which the tank is an integral part of the construction).
68. Trucks, warehouse, platform, electric and gasoline powered.
69. Typewriter, manual and electric.

### § 101–45.4912 Sample format-irrevocable letter of credit.

(NAME AND ADDRESS OF BANK ISSUING LETTER OF CREDIT)

(Date)

(Number of Letter of Credit and Reference)

TREASURER OF THE UNITED STATES

Washington, D.C. 20220

Dear Madam:

We hereby establish our irrevocable credit No. -------- in your favor by order and for account of (name of company submitting bid) up to an aggregate amount of $---------- available by demand drafts

drawn on us by a representative of (specify agencies to which directed: e.g., Department of the Army, Department of the Air Force, General Services Administration). Drafts must be accompanied by a written statement of the interested agency that the amount drawn under this credit represents (1) the deposit required as a guarantee to support an acceptable bid made by (name of bidder) to purchase material from the Government, or (2) payment in full for the property. Drafts drawn under this credit must be marked "drawn under letter of credit No. ------- of (name and address of issuing bank)."

Unless otherwise expressly stated herein, this credit is subject to the uniform customs and practice for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce. We hereby agree with you that the drafts drawn under and in compliance with the terms of this credit shall be duly honored on due presentation to the (name of the bank) is presented on or before ----------.

Very truly yours,

(Authorized signature of bank official)

### § 101–45.4913 General instructions for preparation of irrevocable letter of credit.

Use either clause (1) or (2) of § 101–45.4912, as applicable.

Some banks use language which varies from that shown in § 101–45.4912. Variations from the prescribed text may be permitted if the meaning of the letter of credit prepared by the bank is the same. Each of the paragraphs of the prescribed letter of credit is an essential part of the agreement. No paragraphs shall be added and none shall be deleted.

A letter of credit may be addressed to a specific department or agency instead of "Treasurer of the United States." Letters of credit of this type shall be addressed to the head of the agency or department, as the Secretary of the Army, or the Administrator of General Services. Should this be done, the words "Treasurer of the United States for the account of" shall be deleted from the draft drawn under the letter of credit.

Each letter of credit must be clearly irrevocable and is not acceptable if the expiration date stated therein is less than 30 days from the date of the sale at which it is used.

### § 101–45.4914 Sample format—draft drawn against irrevocable letter of credit.

FORM OF DRAFT

$---------- Date----------

At sight pay to the order of Treasurer of the United States for the account of (specify name of department or agency).

---------- dollars and ---------- cents for value received—drawn under letter of credit No. ------ of ----------

---

(Name and address of issuing bank)

To (name and address of bank)

(Name of office—finance or disbursing—and activity of department or agency by which draft is issued.)

By ----------

Title ----------

Date ----------

NOTE: If the letter of credit is addressed to a department or agency rather than the Treasurer, omit the words "Treasurer of the United States for the account of," and in lieu thereof insert the name of the particular department or agency or installation or office thereof.

### § 101–45.4915 Sample format transmittal letter to accompany letter of credit.

OFFICIAL LETTERHEAD

TO: Name of bank (same as on L/C).

Gentlemen:

This is to certify that on ----------, 196--, at a sale held by the (insert the name of the department or agency) at (insert location) the (insert name and address of company) submitted acceptable bids for property at sales price of $----------.

The amount of the accompanying draft, $----------, drawn under letter of credit No. ------ represents (1) the deposit of ------% of the sales price required as a guarantee to support the acceptable bid made by (insert name of company) to purchase material from the Government, or (2) payment in full for the property on which (insert name of company) submitted acceptable bids.

(Name of office—finance or disbursing—and activity of department or agency to which check is to be forwarded.)

By ----------

Title ----------

Date ----------

NOTE: Strike out the clause in the second paragraph which is not applicable.

### § 101–45.4916 Rating code of qualified auctioneers.

1. *General.* Codes appearing in connection with names of auctioneers on the list of Auctioneers Qualified to Sell Government-Owned Personal Property have the meanings set forth in 2., 3., and 4., below.

2. *Experience.* Codes under this heading represent qualifications with respect to general or limited experience in conducting auctions.

| *Code* | *Experience* |
|---|---|
| E | Meets the following minimum auction experience standards:<br>a. Has conducted satisfactorily at least five auctions within the past three years in which the gross sales proceeds of the property sold at each sale exceeded $50,000.<br>b. Has conducted satisfactorily auctions for a period of five years or more in the aggregate as an auctioneer.<br>c. Has available experienced and qualified manpower resources needed to meet the normal auction service requirements of an executive agency. (Experienced and qualified manpower resources normally would include: One principal and one alternate auction crier with experience contemplated in paragraph a. above; two or more floor demonstrators, each with at least twenty-five man days of experience in each of the past two years in the usual responsibilities for such assistants. The alternate auction crier may qualify and serve as one of the two floor demonstrators minimally required. Such principals and demonstrators normally should have had at least two years' service in auctioning property with the applicant firm or with a firm of reputable auctioneers. Normal auction service for an executive agency in this classification shall be construed to mean all that is implicit to accommodate the conduct of a one-day auction of approximately 300 lots of commercial-type items, the gross sales proceeds of which would exceed $50,000.) |
| L | Meets the following minimum auction experience standards:<br>a. Has conducted satisfactorily at least five auctions within the past three years in which the gross sales proceeds of the property sold at each sale exceeded $25,000.<br>b. Has conducted satisfactorily auctions for a period of three years or more in the aggregate.<br>c. Has available experienced and qualified manpower resources, actual or reserve, committed to meet normal auction service requirements of an executive agency. (Experienced and qualified manpower resources normally would include: One principal and one alternate auction crier with experience contemplated in paragraph a. above; two or more floor demonstrators, each with at least twenty-five man days of experience in each of the past two years in the usual responsibilities for such assistants. The alternate auction crier may qualify and serve as one of the two floor demonstrators minimally required. Such principals and demonstrators normally should have had at least two years' service in auctioning property with the applicant firm or with a firm of reputable auctioneers. Normal auction service for an executive agency in this classification shall be construed to mean all that is implicit to accommodate the conduct of a one-day auction of approximately 300 lots of commercial-type items, the gross sales proceeds of which would exceed $25,000.) |

3. *Property Category.* Codes under this heading represent general and/or special property categories of which an auctioneer has special knowledge or experience.

| *Code* | *Experience* |
|---|---|
| G | Indicating general qualifications to auction commercial-type personal property (e.g. the following Federal Supply Classification Groups normally typify the property in point: 22–26, 32, 37–42, 44–49, 51–56, 61–63, 71–81, 85, 87, 89, and 91). |
| S | Indicating specific qualification to auction one or more specialized categories of personal property of frequent incidence in the total of Federal auctions (property types to be determined and identified parenthetically following the code symbol "S", e.g. S (Textiles); S (machine tools); S (automotive parts). |

4. *Geographical Area.* Codes under this heading represent geographical areas in which an auctioneer may serve.

| *Code (State and territory abbreviations)* | *Geographical area* |
|---|---|
| U.S | Any State in continental United States |
| I | States in GSA Region 1 |
| II | States in GSA Region 2 |
| III | States in GSA Region 3 |
| IV | States in GSA Region 4 |
| V | States in GSA Region 5 |
| VI | States in GSA Region 6 |
| VII | States in GSA Region 7 |
| VIII | States in GSA Region 8 |
| IX | States in GSA Region 9 |
| X | States in GSA Region 10 |

(For those States and Territories in which auctioneer may serve, other than as coded above.)

### § 101–45.4917 Standard Form 114, sample assembly for sales of government property.

### § 101–45.4918 Standard Form 114A, sample assembly for sales of government property.

**§ 101–45.4919 Outline for preparation of explanatory statement relative to negotiated sales.**

The following outline shall be used for the preparation of explanatory statements relative to negotiated sales:

EXPLANATORY STATEMENT OF PROPOSED NEGOTIATED DISPOSAL OF SURPLUS PERSONAL PROPERTY SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 203(e)(6) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

*Description of property:* (including quantity and condition).

*Location:*

*Reported excess by:* (name of agency and date).

*Acquisition cost and date:* (If not known, estimate and so indicate).

*Income:* (All income known to the holding agency, if any, received by the Government for use of the property).

*Estimated fair market value:* (Including date of estimate and name of estimator).

*Proposed disposal price:*

*Proposed purchaser:* (name and address).

*Justification:* (a narrative statement containing complete justification for the proposed sale and other pertinent facts involved in the Government's decision to sell by negotiation).

*Effective date.* These regulations are effective December 15, 1964.

Dated: November 17, 1964.

LAWSON B. KNOTT, Jr.,
*Acting Administrator of General Services.*

[F.R. Doc. 64–12027; Filed, Nov. 30, 1964; 8:45 a.m.]